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AN

ADDRESS

To the Honourable

Admiral AUGUSTUS KEPPEL, &c.

[Price One Shilling and Six Pence.]

AN

ADDRESS

TO THE

Hon. Admiral AUGUSTUS KEPPEL;

CONTAINING

CANDID REMARKS

ON HIS LATE

DEFENCE;

WITH SOME

IMPARTIAL OBSERVATIONS

ON SUCH

PASSAGES as relate to the CONDUCT

OF

Vice Admiral Sir HUGH PALLISER,

By a SEAMAN.

——— Nothing extenuate,
Nor ſet down aught in Malice. SHAKESPEAR.

LONDON:
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*** The Author of this Pamphlet has ſent a Copy of it to Mr. KEPPEL and another to Sir HUGH PALLISER, with his Addreſs.

AN

ADDRESS

TO THE

Hon. Admiral AUGUSTUS KEPPEL.

SIR,

WHEN the late inquiry into your conduct, as commander in chief of the Britiſh fleet on the 27th and 28th of July laſt, is duly conſidered, you will naturally ſuppoſe that your fellow ſubjects, in general, muſt think themſelves greatly intereſted; and that ſeveral of thoſe who have been *bred to the ſea*, will form their own opinion on the premiſes.

As one of the latter claſs, I beg leave to ſay, that I always thought your official letter contained a very unſatisfactory account of the engagement; and, conſidering our fleet to have been ſuperior to that of the enemy, I could not avoid thinking that more might have been done.

Under this perſuaſion, I not only converſed occaſionally on the ſubject, but even ſtood forth publicly againſt two authors who had exhibited ſentiments very different from thoſe I profeſſed. Having no other information than what the Britiſh and French Gazettes afforded me, the one defective and the other fallacious, I was in hopes of obtaining a more ſatisfactory account of the matters in queſtion; but in this I was much miſtaken: my opponents remained ſilent, and my expectations were fruſtrated. In this ſituation of things, the firſt efforts of your friends were, according to an invariable rule with the minority, directed againſt adminiſtration: Your want of ſucceſs againſt the enemy was charged to the nature of your inſtructions; and thoſe very hands, which had formerly been repreſented as having nobly diſdained to wear the miniſterial chain, were then ſaid to have been ſhamefully tied up.—Here, however, the important matter did not reſt long.

In the General Advertiſer of the 15th of October, Sir Hugh Palliſer was charged with having been the cauſe of your not re-attacking the French fleet in the afternoon of the 27th of July laſt; and, on the 5th of November, Sir Hugh's letter, with an annexed account of the tranſactions of that day, appeared in the Morning Poſt.

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The apparent design of this publication was, to repel the above news-paper attack; and it threw much new light on the subject. In consequence of this letter you declared, to the first lord of the Admiralty, that you never would go to sea again with the vice admiral: your minority friends in the two houses, took an active part in the business; they urged the necessity of an immediate inquiry; and, on the 2d of December, a minority member of the house of commons, we are told, called upon you, and the vice admiral, to "afford the house some satis-"faction relative to the affair off Brest on the "27th of July last." Being thus called upon, you was said to have declared, "That the signal "for the vice admiral to bear down into the "Victory's wake, in order to re-attack the "French fleet, was up from three in the after-"noon till eight at night; and that it was a "matter known to many, very many persons. "That when you considered the judgment, the "known skill, and the bravery of the vice ad-"miral, you had thought no more about it; "that you had, in your dispatches to the Admi-"ralty, spoken in terms of approbation of the "vice admiral's conduct: *that* was your ac-"count of the action, and having given it under "your hand, it was not likely that you should "insinuate any thing in opposition to it."

 This,

This, Sir, was directly charging the vice admiral, not only with disobedience of your orders, but also with being the cause of your not re-attacking the French fleet: and it is no wonder that Sir Hugh could not remain easy under so heavy a charge. It seems, however, that you was mistaken in saying that the signal for the vice admiral to come into the Victory's wake, was up from *three* in the afternoon till *eight* at night; for, according to the evidence of the captain and the purser of the repeating frigate, it was not hoisted until *twenty-four minutes past three*, and continued flying only six minutes; it was hauled down at *thirty minutes past three*, and it was not hoisted again until *thirteen minutes after six*. This, Sir, deserves a serious consideration; but I shall proceed to what appears to be still more material. Although the very intention of government, in equipping and sending out that formidable fleet under your command, was, according to the above account, defeated by the disobedience of Sir Hugh Palliser, yet, astonishing to tell! when you considered the judgment, the known skill, and the bravery of the vice admiral, you thought no more about it. The most liberal construction that I can put upon this part of your conduct, Sir, is, to suppose the *patriot* to have been lost in the *friend*; but here the verbal message which you sent to

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the earl of Sandwich, by captain Faulknor, ſtares me in the face! To praiſe the vice admiral publicly, and, at the ſame time, to accuſe him privately, is ſurely repugnant to every idea of friendſhip.

On the 9th of December, Sir Hugh Palliſer exhibited his charge againſt you, at the Admiralty, for miſconduct and neglect of duty; and, after trial, you was honourably acquitted on the 11th of February. However I may have differed in my opinion, with reſpect to ſome of the facts which appeared in the courſe of your intereſting trial, I forbore the publication of my ſentiments, from a perſuaſion that little good could be expected to flow from any further agitation of that ſubject. But, alas! the late behaviour of the patriotic party has greatly exceeded the bounds of *moderation* and *decency*; and, in my opinion, it calls for the ſerious attention of every real friend to Britain. Not contented with the honourable acquittal of their minority friend, the houſes of parliament were moved for addreſſes of thanks; and the public, in many inſtances, have been forcibly required to regard you as though you were ſomewhat ſuperior to human rank.

Much has been ſaid againſt that gentleman, (Mr. Strutt) who oppoſed the motion for an addreſs

addreſs of thanks in the houſe of commons; but, in my opinion, he acted as became a truly independent Britiſh ſenator. Uninfluenced by party, and regardleſs of adverſe numbers, he honeſtly followed the dictates of his conſcience, and he deſerves to be highly applauded. *Fall down and worſhip*, was once the impious command of an Aſſyrian monarch to his Chaldean ſlaves: but ſhall the freeſt and beſt conſtituted people on earth, become the dupes of an unprincipled faction? or ſhall they bow the knee to the *Baal* of any political party? God forbid that a Briton, whoſe charter is perfect freedom, ſhould be ſubject to the cruelleſt of all fetters — the fetters of the mind!

Although, Sir, I can no more queſtion your attachment to the minority, than I can doubt of my own exiſtence, yet I am very far from thinking that you ought to be cenſured for the conduct of your friends, or for the late wanton behaviour of ſome of the populace, on your account. Be aſſured, Sir, that I have a much better opinion of you, than to ſuppoſe you capable either of approving of all that has been done by the former, or of abetting the latter in their exceſſes. I can truly ſay, I expected that much would have been done by our grand fleet under your direction: I had long entertained a high opinion of your abilities as a naval officer; and,

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ſince the engagement, I have often lamented the poor account you gave of the enemy's fleet. The nation, at that juncture, ſeemed to be in ſo critical a ſituation, that I was utterly incapable of repreſſing my anxiety. Whether we are now ſecure from that danger which then ſeemed to threaten us, I will not take upon me to ſay: but, as a great maritime kingdom, I think we have ſome reaſon to fear the conſequence of our late conduct towards you. As ſo much honour has been conferred, where ſo little ſeems to have been done to deſerve it, we muſt naturally conclude, that future encouragement will be conſiderably impaired.

I have attentively peruſed your defence, with the introductory matter, and, as I apprehend it to be queſtionable in many particulars, I ſhall take the liberty to offer a few remarks on the ſubject. I mean, Sir, to view the important matters to which it relates, *with a ſeaman's eye*; and, in doing ſo, I wiſh to manifeſt that reſpect which is juſtly due to your *birth*, to your *rank* as a naval officer, and to the ſeveral ſervices which you rendered your country in the courſe of the laſt war.

In the introduction to your defence, you ſay, "If every ſubordinate officer can ſet up his judg-

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" ment againſt that of his commander in chief;
" and after ſeveral months of inſidious ſilence,
" call him to trial, whenever he thinks it uſeful
" for clearing away imputations on himſelf, or
" in order to get the ſtart of a regular charge,
" which he apprehends may poſſibly be brought
" on his own conduct, there can be no ſervice."

I readily grant, Sir, that no ſubordinate officer ought to ſet up his judgment againſt that of his commander in chief, ſo as to hinder or impede the exerciſe of his official power; but, ſurely, the latter may afterwards be called to an account by the former; and if a ſubordinate officer be convinced that his ſuperior has acted highly unworthy of the truſt repoſed in him, it is his duty, as a member of the community, and as a ſervant of the public, to bring him to juſtice. However juſt your charge of ſeveral months inſidious ſilence may be, I am perſuaded that it falls with accumulated weight on yourſelf.—But more of this hereafter.

I cannot conceive how Sir Hugh Palliſer, by bringing you to trial, could expect to clear away imputations on himſelf: nor do I believe that it was his intereſt to get the ſtart of any regular charge, which he might apprehend to have been meditated againſt his own conduct. If he really knew

knew himſelf to have been guilty of diſobedience of orders, he muſt alſo have known that his crimination would neceſſarily be involved in your trial; and that you would be juſtly entitled to plead it in your defence. I conſider the right of a ſubordinate officer to arraign the conduct of his ſuperior, as having a tendency to promote the public ſervice; and I am clearly of opinion, that no irregular imputation, thrown out by the latter, ought to prejudice the former in the proſecution of a charge legally exhibited; more eſpecially when the ſupreme in command is previouſly called upon to ſubſtantiate his accuſation by a legal proceſs.

" In your examination (ſay you to the court) " into that judgment which my officer, in order " to depreciate my ſkill and to criminate my " conduct, has thought proper to ſet up againſt " mine, you have very wiſely, and according to " the evident neceſſity of the caſe, called for the " obſervations and ſentiments of all the officers " who have ſerved in the late engagement: ſo " far as they have been brought before you by " the proſecutor, I take it for granted, you will " follow the ſame courſe with thoſe that I ſhall " produce. —— I am aſtoniſhed, that, when an " officer is accuſed by another of crimes, which, " if true, muſt be apparent to a very ordinary

"observation and understanding, that any wit-
"ness should, on being asked, refuse to declare
"his free sentiments of the manner in which
"the matters to which he deposes have appear-
"ed to him: I never wished that any gentleman
"should withhold that part of his evidence from
"tenderness to me; what motives the accuser had
"for objecting to it, he knows. The plainest
"and fullest speaking is best for a good cause.
"The manifest view and intention that things
"are done with, constitute their crime or merit.
"The intentions are inseparably connected with
"the acts; and a detail of military or naval
"operations, wholly separated from their de-
"sign, will be nonsense."

Although I am far from wishing to find fault with any who were concerned in your important trial, I think it my duty to say that I differ much in my opinion from some of them. In matters of *fact* I wish to credit every speaker; but, in matters of mere opinion, I am resolved to judge for myself. As a Briton, I conceive I am fully entitled; and, as a seaman, I think myself, in some degree, qualified to form my opinion on the facts adduced, without regarding that of the accuser, the accused, the witnesses, or the court.

If the court really employed themſelves in the examination of that judgment, which your accuſer thought proper to ſet up againſt your's, I cannot avoid thinking that they rather miſtook the true object of their inquiry. The buſineſs of the court, Sir, if I miſtake not, was to examine into *your* conduct, and to ſee whether it correſponded with all, or any of the charges exhibited by your accuſer. The court, certainly, acted *very wiſely* in collecting the *obſervations* of the ſeveral witneſſes; but I cannot ſee either wiſdom in, or neceſſity for, their ſtrenuous endeavours to obtain the *ſentiments* of all the officers who ſerved in the late engagement.

You have thought proper to expreſs your aſtoniſhment, that any officer ſhould have refuſed to declare his free ſentiments of the manner in which the matters, to which he had ſworn, appeared to him; becauſe the crimes of which you had been accuſed, muſt, if true, have been apparent to a very ordinary obſervation and underſtanding. In my opinion, Sir, every witneſs was bound by his oath to declare the manner in which the ſeveral matters or *facts*, reſpecting the charge, appeared to him: but I am aſtoniſhed to find that many of them have been preſſed to deliver their opinions; even ſuch opi-

nions as had a direct tendency to *acquit* or *criminate* the person accused!

The plainest and fullest speaking is surely best for a good cause; and I readily grant that the manifest view and intention that things are done with, constitute their crime or their merit. But who, Sir, are to judge of the matters in question? The witnesses are to inform the court what things were done; and the court is to judge of their criminality or their merit. That the intentions are inseparably connected with the *acts*, in order to constitute them criminal or praise-worthy, is true; but are *acts* always marked with those distinguishing characters? Outward *acts* are proper objects of sense; but the *intentions* of the actor lie frequently hid from human view! ——Whether a detail of military or naval operations, wholly separated from their design, be *nonsense*, I shall not at present enquire: But I beg leave to say, that the witnesses do not seem to have given what may properly be called a detail of the operations in question; and, in my opinion, no witness ought to speak positively to the designs of the actor, unless they appear so obviously that he cannot be mistaken concerning them.

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" The charge is read to a witneſs, as I appre-
" hend (ſay you) that he may diſcern how the
" facts he has ſeen, agree with the crimes he
" hears charged. Otherwiſe, I cannot conceive
" why a witneſs is troubled with that reading.
" The court can hardly enter fully into the mat-
" ter without ſuch information; and the world,
" out of our profeſſion, cannot enter into it at
" all. Theſe queſtions, I am informed, are pro-
" perly queſtions of fact; and I believe it: they
" are perfectly conformable to the practice of
" court martials; but if they were queſtions to
" mere opinion, yet the court, not the witneſs,
" is anſwerable for the propriety of them."

The charge is read to a witneſs, Sir, as I apprehend, to enable him to diſcern how the queſtions propounded agree with it; and that he may, agreeable to his oath, furniſh the court with ſuch *facts* as may enable them to judge how far they agree with the crimes alledged. It may truly be ſaid, Sir, that the court cannot *poſſibly* enter into the matter without ſuch information as this; and that the world, out of our profeſſion, cannot enter into it at all. Witneſſes have been aſked, whether they ſaw the honour of the Britiſh flag tarniſhed on the 27th or 28th of July? And, in order, I preſume, to induce them to anſwer, they were told that the queſtion

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went to a matter of fact, not to opinion: "I "don't aſk your opinion, (ſaid the propounder) "Did you ſee it?" The anſwer which was given to this queſtion does honour to the witneſs: "No, (ſaid he) if that is the meaning of your "words, no, by no means in the world." The truth, Sir, is, that the *honour* of the Britiſh flag is not an object of ſenſe, and therefore, neither it's *luſtre*, nor it's *tarniſhing*, can poſſibly be ſeen. Theſe are only matters of *opinion* which we form upon *facts* that we know; and what one may think highly honourable, another may deem matter of great diſgrace. How queſtions of *opinion* can *properly* be called queſtions of *fact*, I declare my incapacity to conceive. Facts really exiſt without us, and they are in themſelves unalterable; but opinions are framed in the human mind: they are often the production of a ſtrong imagination, and they are always ſubject to change.

Whether queſtions of opinion, which you have been pleaſed to call queſtions of fact, are perfectly conformable to the practice of court martials, I will not take upon me to determine; but I humbly preſume, that ſuch evidence is never admitted in any other court.——I readily allow that the court, not the witneſs, is anſwerable for the propriety of every queſtion, whether it goes

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to mere opinion or not; but the witneſs is certainly accountable for the propriety of every anſwer which he gives; and, having bound himſelf, by his oath, to give nothing in evidence but the *truth*, matters of mere opinion are clearly excluded. The court, indeed, aſſerted their right to aſk what queſtions they might think fit; but they, in effect, admitted that matters of mere opinion were not proper evidence, by their leaving it to the choice of the witneſſes whether they would, or would not, anſwer queſtions of that deſcription.

You have ſaid that you never wiſhed any gentleman to withhold that part of his evidence from any tenderneſs to you: and I fully believe it. After a member of the court had frequently inſiſted on the propriety, and even the *neceſſity of ſuch evidence*, you had much to hope, but nothing to fear, from the anſwers: if the witneſſes declared their ſentiments in your favour, your wiſhes were fully anſwered; if they refuſed to declare them, you received no injury; and if any of them had been hardy enough to have declared againſt you, that declaration would have brought them within the lines of ſuſpicion; they would probably have been deemed your *accuſers*, and their evidence would have been rendered nugatory.

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"My accuſer (ſay you) has conceived very "miſtaken notions of what my duty was; and "on that bad foundation he has laid the whole "matter of his charge. In an extenſive naval "engagement, and in the movements prepara-"tory to it, ſubordinate officers, if they are at-"tentive to their duty, are fully employed in "the care of their own particular charge; and "they have but little leiſure for exact obſerva-"tions on the conduct of their commander in "chief: it is their buſineſs to watch his ſignals, "and to put themſelves in a condition to obey "them with alacrity and effect. As they are "looking towards one thing, and he is looking "towards another, it is always a great chance "whether they agree, when they come to form "an opinion of the whole. You are ſenſible, "gentlemen, that one of the things which diſ-"tinguiſh a commander in chief, is to know "how to catch the proper moment for each or-"der he gives; he is to have his eye on the "enemy, the reſt ought to have their eyes on "him: if thoſe ſubordinate officers, who are "inclined to find fault with him, do not mark "the inſtant of time with the ſame preciſion "which he does, their judgment will often be "erroneous; and they will blame where, per-"haps, there is the greateſt reaſon for commen-"dation."

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I will not pretend to ſay, how far Sir Hugh Palliſer conceived miſtaken notions of what was your duty; woful experience has abundantly ſhewn that the beſt and ableſt men have frequently been miſtaken; but I am inclined to think, that he wanted neither the ability nor opportunity requiſite for forming a proper judgment on your tranſactions. I cannot admit that ſubordinate officers ought to *continue* looking towards one object, and the commander in chief looking towards another; or that the eyes of the former ſhould be invariably fixed on the motions of the latter. In my humble opinion, a commander in chief ſhould look towards his own fleet, as well as to that of the enemy; and the ſubordinate officers, although principally attentive to their ſupreme commander, ought, nevertheleſs, to pay ſome attention to the different ſituations and movements of the two fleets. A general ſurvey of the two fleets is certainly neceſſary for the iſſuing of proper commands, and a like view, by the ſubordinate officers, will greatly promote a judicious and prompt obedience. What you have ſaid in another place, ſeems, in ſome degree, to be applicable here, namely, "The intentions "are inſeparably connected with the acts; and a "detail of military or naval operations, wholly

" ſeparated from their deſigns, will be non-
" ſenſe." This, Sir, needs no comment.

If I am to believe that the due attention of ſubordinate officers to their commander in chief, leaves them but little opportunity for looking at other objects, I muſt conclude that thoſe officers who are able in their profeſſion, will be well qualified to judge of ſuch conduct as appears in that grand point of obſervation: Or, in other words, they will be able to form a tolerable judgment on the conduct of their commander in chief. In complaining of the witneſſes, for refuſing to declare their ſentiments on the ſeveral articles of your accuſation, you ſay, that the " crimes, if true, muſt be appa-
" rent to a very ordinary obſervation and under-
" ſtanding." This, Sir, appears to be directly repugnant to what you have ſaid concerning the incompetency of the judgment of ſubordinate officers, and, in my opinion, it is incumbent on you to reconcile the jarring paſſages. Can I admit that the propriety of your official conduct was apparent to every witneſs, and at the ſame time believe, that it was utterly incomprehenſible to the officer in the third poſt? Or that the obſervation and underſtanding of the vice admiral of the blue, was even inferior to thoſe which you are pleaſed to ſtile *very ordi-*

nary?

nary? In the one caſe, you attempt to ſhew that the accuſation, brought againſt you by Sir Hugh Palliſer, was founded in ignorance; and in the other, you endeavour to perſuade the witneſſes that they have knowledge ſufficient to declare you innocent. But ſuch efforts cannot diminiſh the knowledge of the former, nor can it poſſibly add to that of the latter. No officer in the fleet could reaſonably be deemed ignorant of your profeſſional conduct, although many of them wiſely refuſed to become your *accuſer* or your *judge*.

As it would be extremely foreign to my preſent purpoſe to take notice of every exceptionable paſſage in your introductory ſpeech, I ſhall paſs on to that remarkably good conſequence which, you ſay, flowed from the taking of the Pallas and Licorne frigates. "The papers I "found in them (ſay you) and the intelligence "I received by that means, filled me with the "moſt ſerious apprehenſions. I was on the "enemy's coaſt with twenty ſail of the line; "there were thirty-two in Breſt Road and Breſt "Water, and frigates more than treble my num-"ber. My orders to ſail with twenty ſhips could "not have been upon a ſuppoſition of my having "to deal with ſuch a force. I know what can "be done by Engliſh officers and Engliſh ſea-

" men; and I truſt to it, as much as any man, I " ſhould not be diſcouraged by ſome ſuperiority " againſt me in ſhips, men, and metal; but I " have never had the folly to deſpiſe my enemy. " I ſaw that an engagement, under ſuch circum- " ſtances of decided ſuperiority on the part of " France, would hazard the very being of this " kingdom.—I was filled with the deepeſt me- " lancholy I ever felt in my life; I found my- " ſelf obliged to turn my back on France, but " I took my reſolution.—I again riſqued myſelf " on my own opinion.—I quitted my ſtation: " my courage was never put to ſuch a trial as " in that retreat, but *my firm perſuaſion is, that* " *the country was ſaved by it.*"

That you was really filled with the moſt ſe- rious apprehenſions, by the intelligence you re- ceived on taking the French frigates, I do not mean to controvert: but whether your conduct, on that occaſion, was calculated to promote the honour and intereſt of your country, ſhall be the buſineſs of my preſent inquiry. You ſay you was on the enemy's coaſt with twenty ſhips of the line, and that there were thirty-two in Breſt Road and Breſt Water, with more than treble your number of frigates. But what danger, Sir, could you apprehend from ſhips ſo harmleſsly ſituated? You had ſeen thirty-two ſail of the line

line upon paper; and, probably, the joint aſſeverations of your priſoners tended to corroborate that teſtimony: but could either, or both of them, afford you an indubitable proof, that there were thirty-two ſail of the line then ready to advance upon the Britiſh fleet? I firmly believe, with you, that your orders to ſail with twenty ſhips, could not have been upon a ſuppoſition of your having to deal with ſuch a force. And, in my opinion, nothing but urgent neceſſity could have juſtified you, in ſeeking an engagement with ſuch a ſuperiority on the part of France.

Although you have had ſeveral opportunities of ſeeing the gallantry of Engliſh officers and Engliſh ſeamen, I do not think that you, or any man, knows the utmoſt that they are capable of performing. All Europe, a few of our *worthy patriots* excepted, acknowledge their ſuperior bravery and profeſſional ſkill. In ſhort, Sir, the ſuperiority of Britiſh ſeamen is now ſo fully eſtabliſhed, that they can acquire but little honour by an engagement with a ſhip of equal force, unleſs the enemy prove uncommonly brave. I could point out the matchleſs proweſs of our ſeamen in a number of inſtances, as well in the merchant ſervice as in the navy, but a recent one in each ſervice ſhall ſuffice:

The

The Roſe *letter of marque*, capt. James Duncan, of twenty-two guns, ſix pounders, and ſixty men, on her paſſage from Florida to New York, laſt ſummer, fell in with Monſ. D'Eſtaing's ſquadron, and was chaſed by one of the frigates of thirty-two guns, twelve pounders, and three hundred and twenty men. An engagement ſoon followed, which laſted ſix hours and a quarter, when captain Duncan, finding his ſhip to be ſinking under him, was obliged to ſtrike; the water was then near coming in at the port-holes, and ſhe actually went down before they had been out of her a quarter of an hour. The whole French fleet of twelve ſail of the line and three more frigates, were ſpectators of this gallant defence, and not more than three miles off, but were prevented from getting up by the wind's dying away. When captain Duncan ſtruck, he had only forty-four men left fit for duty; the loſs on the ſide of the French was ſo conſiderable, that they thought proper to conceal it.—On the 14th *ultimo*, lieutenant Knell, of the Rattleſnake cutter, ſaw, chaſed, fought, and conquered two French cutter privateers, of almoſt treble his force in men and metal!—Let all their fellow-ſubjects, when duty calls, imitate their gallant example; and may our proud perfidious foe long remember thoſe Britiſh deeds, with admiration and terror.

You ſay, that you was filled with the deepeſt melancholy you ever felt in your life, by finding yourſelf obliged to turn your back on France. That you quitted your ſtation; and that your courage was never put to ſuch a trial, as in that retreat. Whatever melancholy you might experience on that occaſion, I beg leave, Sir, to ſay, that I cannot ſee any abſolute neceſſity for your having turned your back on France; and ſtill leſs for your retreat to Portſmouth. By communicating your intelligence to the Admiralty, ſhips might have been ſent to reinforce you at ſea, as in fact they afterwards were. Whilſt the enemy continued in Breſt, they could neither intercept your reinforcements nor moleſt you. Your fleet might have been kept on, or near the coaſt of France, and yet have been but a few hours ſail from that of Britain. As the French ſhips could not get out of Breſt water but in the day-time, you might have had timely notice of their approach; after ſuch information, you would have been abler to have weighed the circumſtances on both ſides, and a retreat, if then found neceſſary, might have been juſtified as the dernier reſort.

Altho' you endeavour to make us believe that the enemy, when you thought them ſuperior in

in force, was bent upon the deſtruction of your fleet; you ſeem to think that they had very different objects in view, when you came in ſight of each other after your reinforcement. "Many "objects of the French (ſay you) and thoſe very "important, might be obtained without a bat-"tle. On my part, I had every motive which "could make me earneſt to bring it on, and I "was reſolved to do ſo whenever, and by what-"ever means I could. I ſhould be criminal in-"deed if I had not, for I had every motive for "deſiring to preſs on an action: the greateſt "body of the Britiſh trade was then on it's re-"turn home. Two Eaſt India and two Weſt "India fleets, of immenſe value, were hourly "expected; from the courſe it was probable "they would hold, and from the ſituation of "the French fleet, they might be taken in my "ſight without a poſſibility of my preventing "it.—I had alſo other reaſons for the greateſt "anxiety to bring on an engagement upon any "terms that I could obtain it. Theſe reaſons "are weighty; and they are founded in my in-"ſtructions. I gave notice to the Admiralty, "that I might find it uſeful to my defence to "produce thoſe inſtructions on my trial. They "communicated to me his majeſty's pleaſure "thereupon, and informed me that they could "not conſent that my inſtructions ſhould be laid

"before

" before my council, or be produced at the " court martial.—The world will judge of the " wiſdom and equity of ordering trials under " ſuch circumſtances."

Whatever objects the French admiral might have in view, I am in no danger of erring when I ſay it was your duty to bring them, as ſoon as poſſible, to a deciſive battle: but I am far from thinking that you ſhould have done it by *any means whatever*, or *upon any terms that you could obtain it*. Such expreſſions, Sir, do not ſeem to agree very well with your cautious conduct in returning to Portſmouth for a reinforcement. I conceive them to have been uſed as an apology for the manner of your engaging with the enemy; and ſome may probably think, that your antecedent retreat was intended to convey a cenſure on the lords commiſſioners of the Admiralty. The French, by getting to windward, in conſequence of your laying-to during the firſt night after you came in ſight of each other, were certainly in a ſituation to have taken ſome of our merchant ſhips, if they had come in their way; but ſuch a circumſtance would, probably, have given you an opportunity of coming into action with advantage. The enemy, in getting the weather-gage, had only taken that advantage which you had given them: and, whatever

weighty reaſons there might be founded in your inſtructions, an attempt to bring on an engagement upon *any terms*, would, in my humble opinion, have been putting every valuable purpoſe of a battle to an unwarrantable hazard.

You ſay, that your requeſt for leave to produce your inſtructions, on your trial, was denied you; and you complain of being thereby deprived of "the fair and natural means of your juſtification." But you had before ſaid, that you "was entruſted with ample diſcretion-"ary power for the immediate defence of the "kingdom." And the public papers inform us, that when this buſineſs was afterwards agitated in the houſe of commons, lord North called on you to remember, that, on your application, word had been ſent you, that any part of your inſtructions that went to the charge exhibited againſt you, which you ſhould point out, ſhould be immediately copied and tranſmitted to you; but that it was thought *unwiſe* and *unneceſſary* to lay your whole inſtructions before the public, juſt at preſent. If this, Sir, was really the caſe, and I cannot ſee any reaſon to doubt it, the world will judge of the *wiſdom* and *equity* of your complaint.

"On

" On my firſt diſcovering the French fleet, " (ſay you) at one o'clock in the afternoon of " the 23d of July, I made the neceſſary ſignals " for forming my fleet in the order of battle, " which I effected towards the evening, when " perceiving that the French fleet had gained the " wind during the night, and carried a preſſed " ſail to preſerve it, I diſcontinued the ſignal for " the line, and made the general ſignal to chaſe " to windward, in hopes that they would join " battle with me, rather than ſuffer two of their " capital ſhips to be entirely ſeparated from " them."

In order to judge of the propriety of your laying the fleet to, during the night of the 23d, it will be neceſſary to quote ſome paſſages from your letters to the Admiralty, by the Peggy and Union cutters, dated the 23d and 24th of July, 1778. In that of the 23d, you ſay: " At four " o'clock, the weather clearing, (it had been " very foggy) it was perceived the French was " ſtanding from the king's fleet to the N. E. " I immediately made the ſignal for the fleet to " wear, ſtill keeping the ſignal for the line of " battle a-head, only changing it for the ſhips " to bear N. E. and S. W. of each other, and " ſet much ſail, though, I fear, without poſſible " hopes of coming up with the French ſhips

" this afternoon, unleſs they are as deſirous of " cloſing as I am. — I fear the object of the " French is to get in with their own coaſt." In that of the 24th, you ſay: " I diſpatched the " Peggy with my letter to you yeſterday after- " noon; and about one hour after ſhe left me, " the French fleet tacked and ſtood towards the " king's fleet; they nearly ſteered for us, the " wind at W. N. W. As night was ſo near, " and action at night always to be avoided, I " brought the fleet to, on the larboard tack, " leaving the option in the French: it blew " very hard, in the weſtern quarter, great part " of the night, and in the morning the French " fleet were ſeen to the N. W."

From the above account, Sir, I muſt under- ſtand, that you ſtood after the French fleet with *much ſail ſet*, whilſt you thought there were no poſſible hopes of coming up with them, *unleſs they were as deſirous of cloſing as you was*; and that, as ſoon as the French fleet tacked and ſtood towards the king's fleet, you brought to, on the larboard or contrary tack: or, in other words, ſtanding no way at all, you left it in the option of the French admiral to do as he pleaſed. He did ſo, and inſtead of endeavouring to get in with their own coaſt, as you *feared*, he got ſome leagues to the north-weſt (to the windward) of you

you in the night! As it was utterly impoſſible for them to get there by any other means than that of tacking or working to windward, I am ſurprized to find a member of the court repeatedly aſking one of the witneſſes, whether he knew that the French fleet did not ſtand all night upon that tack? One of your witneſſes ſays: "On "the cloſe of the evening of the 23d, they got "about a dozen ſhips formed; they then ſtood "towards the Britiſh fleet, paſſed to leeward, "and next morning we ſaw them to windward." When the French paſſed your fleet to leeward, they muſt have intended either to *go off*, or to get the *weather-gage* in the night; and your laying-to all night, on the contrary tack, rendered the accompliſhment of their deſign abſolutely certain.

The French admiral, by getting to windward of the Britiſh fleet, was enabled to avoid coming to action until a favourable opportunity preſented itſelf; and he actually did avoid it until the 27th. Several endeavours have been made to ſhew that their not bearing down to engage on the 24th, 25th, or 26th, amounts to a proof of their intention to avoid fighting altogether: but it has appeared, that they could not have fought their lee lower-deck guns on either of thoſe days, on account of the wind and ſea: and although

although a Britiſh admiral would be juſtified in attacking a French fleet under ſuch circumſtances, I am clearly of opinion that a French admiral would be extremely blameable, if he was to bear down and engage a Britiſh fleet under any material diſadvantage. Count d'Orvilliers knew that there was no danger of your taking French leave of him; but as they are apt to ſlip away from a Britiſh fleet, of an equal or ſuperior force, an immediate battle would have been the beſt ſecurity for a Britiſh admiral in his ſituation.

You tell us that, when the day broke on the morning of the 27th of July, the fleet under your command was in the following poſition: "Vice admiral Sir Robert Harland was about "four miles diſtant, on the Victory's weather-"quarter, with moſt of the ſhips of his own "diviſion, and ſome of thoſe belonging to the "center; and vice admiral Sir Hugh Palliſer at "about three miles diſtance, a point before the "lee-beam of the Victory, with his main-ſail up, "which obliged the ſhips of his diviſion to con-"tinue under an eaſy ſail.

In ſaying that the Formidable's main-ſail being up, obliged the ſhips of that diviſion to continue under an eaſy ſail, I preſume that you ſhould

ſhould have excepted the Ocean. It appears that that ſhip had been thrown to leeward by ſpringing her main-top-maſt on the Sunday morning; that ſhe had worked with all the ſail ſhe could carry, all night, to fetch into her ſtation; and that, in the morning, ſhe was full four miles aſtern. This, Sir, I firmly believe to be the *true reaſon* why the vice admiral, and the other ſhips of his diviſion, were under *an eaſy ſail.*

At half paſt five o'clock in the morning, when you made the ſignal for ſix ſhips of the vice admiral of the blue's diviſion to chaſe to windward, you ſay: "Both the fleets were then on the lar-
"board tack, the enemy's fleet were near three
"leagues to windward, going off cloſe by the
"wind with a preſſed ſail; my reaſon, therefore,
"for making that ſignal at half paſt five, was to
"collect as many of the ſhips to windward as I
"could, in order to ſtrengthen the main body
"of the fleet, in caſe I ſhould be able to get to
"action, and to fill up the interval between the
"Victory and the vice admiral, which was occa-
"ſioned by his being far to leeward; and it is
"plain that the vice admiral muſt have himſelf
"underſtood the object of the ſignal, ſince it has
"appeared, in the courſe of the evidence, that
"on it's being made, the Formidable ſet her
"main-ſail, and let the reefs out of her top-
ſails:

" ſails: and, indeed, the only reaſon why it was
" not originally made for the whole diviſion was,
" that they muſt have then chaſed as a diviſion,
" which would have retarded the beſt going ſhips,
" by an attendance on the vice admiral."

You have repreſented the enemy as *going off* cloſe by the wind with a preſſed ſail. If, by thus expreſſing yourſelf, Sir, you only mean that they were going off from the coaſt of France, I readily admit that they were doing ſo; for, with the wind at ſouth-weſt, they were ſtanding weſt-north-weſt: but if, by going off, you mean that they were *flying*, or endeavouring to run away from you altogether, I beg to be excuſed from aſſenting to the propoſition. As I do not find that the French fleet ever endeavoured to outſail you, in open day, towards their own coaſt; or ever attempted to jockey you, by altering their tack, or courſe, early in the night; it is impoſſible for me to believe that they had any intention of loſing ſight of you.

You ſay, that your reaſon for making the ſignal for ſix ſhips of the vice admiral of the blue's diviſion to chaſe to windward, was to collect as many of the ſhips to windward as you could, in order to ſtrengthen the main body of the fleet, in caſe you ſhould be able to get to action, and

to

to fill up the interval between the Victory and the vice admiral, which was occaſioned by his being far to leeward. This, Sir, appears to be a very ſtrange account; and, in my opinion, it deſerves a ſerious conſideration.

Of the ſix ſhips which chaſed to windward by ſignal, I find that two were ſituated between the Victory and the Formidable, viz. the Robuſte and the Terrible; two were a-head of the Formidable, namely, the Egmont and the Worceſter; and that the ſituation of the other two, the Elizabeth and the America, is not deſcribed. At the time that theſe ſhips left their flag, by your orders, I find the Formidable was ſituated as follows: The Victory one point abaft her weather-beam, diſtant three miles; the Ocean three points on her weather-quarter, diſtance more than four miles; the Ramillies more than a mile upon her weather-beam; and the Defiance on her lee-quarter, without any diſtance mentioned. Thus, Sir, was the vice admiral of the blue left with only three ſhips of his diviſion, beſides the Formidable, one of which was more than a mile to windward, another above four miles on the weather-quarter, and the third at an unknown diſtance on the contrary ſide.

If, in caſe of getting to action, you really thought it neceſſary that the body of the fleet

ſhould be ſtrengthened by ſix ſhips of the blue diviſion, previouſly collected to windward for that purpoſe, you ſurely could not think that the remaining four, to ſay the leaſt, would be *equally ſafe*. Again, if there was an interval between the Victory and the vice admiral, it muſt have been increaſed by ſome of the chaſing ſhips quitting their ſtations to windward of the Formidable; and ſuppoſing that moſt, or even all the ſhips that chaſed, had been called back to join the body of the fleet, between the Victory and the vice admiral of the blue, that would have done but little towards filling up the interval complained of, although it certainly would have changed it. Inſtead of the former interval between twenty ſhips, and ten; it would then have been between twenty-ſix ſhips, and four. But the fact, as it appears by the evidence, is, that they were not called back at all; that the firing began in the van, at fifteen minutes after eleven o'clock; and that the chaſing ſhips were entirely left to their own diſcretion. By a favourable change of wind, and the enemy's edging down to the Britiſh fleet, you were enabled to cloſe with their center and rear: but had not thoſe circumſtances taken place, the former diſtance of three leagues would, probably, have ſtill intervened; and the chaſing ſhips might have fruitleſsly continued to ply to windward, until you had

had thought fit to have ordered them back to the fleet. If, as you ſay, the French fleet was then as much to windward, and at as great a diſtance as it had been the preceding morning, ſtanding with a freſh wind, cloſe hauled, on the larboard tack, and, to all appearance, avoiding you with the ſame induſtry as ever; you could not entertain the ſmalleſt hope, of gaining three leagues to windward upon them in one day; and, conſequently, you could not then expect, that the collecting of ſhips to windward would be neceſſary for the purpoſe intended.

As ſeveral of the witneſſes ſay, they underſtood that the ſhips were ordered to chaſe to windward, in order to bring the enemy to action; and as I find their opinion corroborated by your having ordered the Shrewſbury, then the weathermoſt ſhip in the fleet, to chaſe in the ſame manner, I ſhall take the liberty of viewing the ſubject in that light. Suppoſing, then, the chaſing ſhips to have got up with the enemy before night; what advantage could you have reaped from that event? They could neither have taken your fleet up to that of the enemy, nor could they have brought their fleet down to you: and to have engaged with more than four times their number, would, in my opinion, have been madneſs in the extreme. If you apprehended that an en-

gagement could not be brought on without chaſing to windward; that chaſe, I will venture to ſay, ought to have been a *general one*. If ſeven ſhips could have got up to the enemy by chaſing in that manner, ſo might the whole fleet have got up, though, perhaps, not ſo ſoon; and the weathermoſt, or faſteſt ſailing ſhips, could always have joined ſuch as might have been to leeward, whenever you ſhould have thought it neceſſary to have ordered them to bear down for that purpoſe.

You complain of Sir Hugh Palliſer's being far to leeward on the morning of the 27th; but as you ſtate the vice admiral of the red to have been then on the Victory's weather-quarter, diſtant four miles; and the vice admiral of the blue to have been one point before the lee-beam, at the diſtance of three miles; it is evident that the Victory was as far to *leeward* of the Queen, as the Formidable was to *leeward* of the Victory.

How far the vice admiral underſtood the object of the chaſing ſignal, I cannot pretend to know; but I can eaſily ſuppoſe him to have ſet his main-ſail and let out his reefs upon that occaſion. Although you did not make the ſignal originally for the whole diviſion to chaſe to windward, becauſe they muſt then have chaſed as a diviſion,

diviſion, which would have retarded the beſt going ſhips by an attendance on the vice admiral; no ſuch inconveniency would, I preſume, have attended your ſending the four remaining ſhips after the other ſix, by ſimilar ſignals.

"Things were in this ſituation (you ſay) "when, about nine o'clock, the French fleet "wore and ſtood to the ſouthward on the ſtar- "board tack; but the wind, immediately after "they were about, coming more ſoutherly, I "continued to ſtand on till a quarter paſt ten, "at which time I tacked the Britiſh fleet toge- "ther by ſignal, and ſoon after we were about, "the wind came ſome points in our favour to "the weſtward, which enabled us to lay up for "a part of them; but in a dark ſquall that al- "moſt immediately came on, I loſt ſight of "them for above half an hour, and when it "cleared away, at eleven o'clock, I diſcovered "that the French fleet had changed their poſi- "tion, and were endeavouring to form the line "on the larboard tack, which finding they could "not effect without coming within gun-ſhot of "the van of the Britiſh fleet, they edged down "and fired on my headmoſt ſhips, as they ap- "proached them on the contrary tack, at a "quarter after eleven, which was inſtantly re- "turned; *and then, and not till then, I made the*

"*ſignal*

" *ſignal for battle. All this happened in about half* " *an hour*, and muſt have been owing to the " enemy's falling to leeward in performing their " evolution during the ſquall, which we could " not ſee, and by that means produced this ſud- " den and unexpected opportunity of engaging " them, as they were near three leagues a-head " of me when the ſquall came on. Indeed every " motion of the French fleet, from about nine, " when it went on the ſtarboard tack, till the " moment of the action, and even during the " action itſelf, I apprehend to be deciſive againſt " the alledged indication of deſigning battle: " for, if the French admiral had really deſigned " to come to action, I apprehend he never would " have got his fleet on the contrary tack to that " on which the Britiſh fleet was coming up to " him, but would have ſhortened ſail, and wait- " ed for it, formed in the line on the ſame tack."

As you continued on the larboard tack an hour and a quarter after the French fleet wore and ſtood to the ſouthward, I think I may venture to ſay that you had then no apprehenſion of their going off, notwithſtanding you have thought proper to repreſent them in that light, when they were ſtanding on the ſame tack with the Britiſh fleet. Surely, Sir, you had much more reaſon to ſay they were going off in the

latter

latter caſe, than in the former: On the larboard tack they ſtood weſt-north-weſt with you, but, after wearing, they went ſouth-ſouth-eaſt on the contrary tack; which, allowing two points for the variation of the compaſs, was ſouth-eaſt towards the coaſt of France. The ſhift of wind, which you mention as the reaſon of your continuing on the larboard tack, was an argument againſt your conduct, if you apprehended the enemy to have been going off; but clearly in favour of it, if you was ſatisfied that they had no ſuch intention.

You acknowledge that the French, when you diſcovered them after the ſquall at eleven o'clock, were endeavouring to form their line on the larboard tack; and that, finding it could not be effected without coming within gun-ſhot of the van of the Britiſh fleet, they edged down and fired on your headmoſt ſhips. But, after all their endeavouring and their edging down, you ſay their line was not formed compleat; and that, from about nine in the morning, every motion of the enemy was, in your apprehenſion, deciſive againſt the alledged indication of deſigning battle. Here, Sir, I beg leave to differ from you in opinion: as you could only lay up for a part of the French fleet, after the wind favoured you ſome points on the ſtarboard tack,

and

and as they were near three leagues from you when the ſquall came on, I will venture to ſay that even thoſe ſhips which you laid up for, might have gone *three miles and an half to windward* of you on the contrary tack. Suppoſing you to have been laying ſouth, with the wind at weſt-ſouth-weſt, that part of the French fleet then right a-head, would have laid north-weſt cloſe hauled on the contrary tack; and the line deſcribed by their motion, would have formed an angle of forty-five degrees with that of your direction reverſed. Hence it is plain, that whilſt you was proceeding five miles and a half ſouth, they might have gone the ſame length along the north-weſt line; that they would then have been upon your weather-beam, bearing weſt from you; and that your diſtance aſunder would have been equal to that which you was ſhort of the place where they tacked, or of their wake, viz. about three miles and a half.

As it is demonſtratively evident, that the enemy might have paſſed you at a very ſafe diſtance to windward, I am clearly of opinion that their not doing it, muſt have been owing to a reſolution to exchange a few ſhot with you as they paſſed: and when I find that the ſternmoſt chaſing ſhip was ſeven or eight miles from the

Victory

Victory when the firing began, with only thirteen ſhips between them, I cannot help thinking that the French admiral had a ſtrong temptation to embrace the opportunity.* The circumſtance

* Here it may not be amiſs to ſtate two queſtions, put by admiral Keppel to two of the witneſſes, with the anſwers they returned :

Queſt. firſt. " At eleven o'clock, or when the French " were ſo near, and the change of wind gave advantage to " the Britiſh fleet, muſt not the French admiral have given " up ſome of his rear ſhips, if he had not riſked battle with " the center of his fleet ?

" Anſ. Moſt certainly.

Queſt. ſecond. " Was the French fleet in a regular line " of battle when the action was brought on ?

" Anſ. At a quarter paſt eleven, when the action com- " menced, the French van was very irregular, ſome more " than a mile to windward of others of them. — They all " appeared to keep their wind as they approached us. — " They were at very unequal diſtances from each other, " independent of their being to windward and to leeward " of each other ; what was properly their center, was " pretty compactly formed, but they were not in a line. — " What ſhould have been their rear diviſion I could make " no obſervation upon, as they were far to windward of " the Britagne and the ſhips about her, and muſt have paſ- " ſed us whilſt we were engaged with what was properly " their center."

What a ſtriking contraſt! — In the firſt inſtance, the French admiral is obliged to riſk a battle with the center of his fleet, in order to ſave his rear from being cut off : and in the ſecond, the great irregularity of their fleet is proved, by placing that very rear ſo far to windward as to be even out of the reach of obſervation !

of their van ſhips keeping their wind, as they paſſed, affords no proof that the enemy had not previouſly bore down; though it ſeems to be a conſiderable draw-back upon the courage of their van commanders. Perhaps they were as anxious to prevent our chaſing ſhips from getting to windward of them, as the commanders of ſome of our chaſing ſhips were, to avoid being forced into that *dangerous* ſituation! Were I at the head of the French marine, I ſhould think it my duty to inquire, why the commanders of their van ſhips did not bear down upon the Britiſh fleet, and cut off ſome of the rear diviſion?—I now paſs on to your coming out of the enemy's fire:

You ſay, "The moment the Victory had "paſſed the enemy's rear, my firſt object was to "look round to the poſition of the fleet, which "the ſmoke had, till then, obſcured from obſer- "vation, in order to determine how a general "engagement might beſt be brought on after "the fleets ſhould have paſſed each other. I "found that the vice admiral of the red, with "part of his diviſion, had tacked, and was "ſtanding towards the enemy with top-gallant "ſails ſet, the very thing I am charged with not "having directed him to do; but all the reſt of "the ſhips that had got out of action, were ſtill

on

" on the ſtarboard tack, ſome of them dropping
" to leeward, and ſeemingly employed in repair-
" ing their damages : the Victory herſelf was in
" no condition to tack, and could not immedi-
" ately wear and ſtand back on the ſhips coming
" up a-ſtern of me out of the action (had it been
" otherwiſe expedient) without throwing them
" into the utmoſt confuſion."

You ſay, Sir, that your firſt object was to look round to the poſition of the fleet, in order to determine how a general engagement might beſt be brought on, after the fleets ſhould have paſſed each other : but I do not find that you came to any determination on that matter. You ſay, that you ſaw the vice admiral of the red upon the larboard tack, with part of his diviſion, ſtanding towards the enemy with top-gallant ſails ſet ; but did you give the leaſt countenance to this part of his conduct ? He had tacked and ſtood after the enemy without your orders ; and you thought proper to leave him a-while to his own diſcretion. It appears by the evidence, that you paſſed to leeward of the vice admiral of the red, and that you ſtood to ſome diſtance beyond him on the ſtarboard or contrary tack.

I cannot ſee that it is any argument in favour of your conduct to ſay, that all the reſt of the

 ſhips

ſhips continued on the ſame tack with the Victory. The vice of the red had tacked and ſtood after the enemy about half an hour before the Victory came out of the engagement, conſequently before he could receive any orders from you; but it is unreaſonable to ſuppoſe that, after you had paſſed the enemy's rear, any of the reſt of the ſhips, eſpecially thoſe of your own diviſion, would tack without your *orders*, and contrary to your *example*.

That the Victory was in no condition to tack, at the time you refer to, is eaſy to be conceived; and alſo, that ſhe could not wear and ſtand back *on the ſhips coming up a-ſtern*, without throwing them into confuſion: but I cannot conceive what danger could have attended your wearing and hauling your wind on the contrary tack, *acroſs* the ſhips coming up a-ſtern, in order to ſtand back *after the enemy*.—So much having been ſaid, in the courſe of the trial, concerning the danger of tacking, and wearing in fleets, I ſhall take the liberty of proceeding to the diſcuſſion of both.

Whenever the commander of any ſhip, in a fleet, intends to tack, it is his buſineſs to ſee whether there are any ſhips ſo near him a-ſtern as to be expected to come up whilſt he is in ſtays;

ſtays; and, if there are, to give them notice of his intention.—It then becomes the duty of every commander, ſo informed, to keep clear of the ſhip that is in ſtays, by either tacking his own ſhip, or by bearing up to leeward of the other, at his own election. If he chuſes to tack, he is bound to give the ſame previous notice to ſhips near to him aſtern, as he received himſelf; and if, inſtead of tacking, he ſhould chooſe to keep away to leeward of the ſhip in ſtays, it will be incumbent on him to paſs at ſuch a diſtance as will effectually prevent damage, even though the ſhip, intending to tack, ſhould *miſs ſtays*. Here, Sir, it may be neceſſary to obſerve, that although a ſhip, when ſhe miſſes ſtays, frequently falls off ſo much with her head as to bring the wind as far aft as the quarter, yet ſhe only drives a little to leeward; for as ſoon as ſhe gets head-way, the helm, with the aſſiſtance of the after-ſails, will bring her cloſe to the wind, provided there be a commanding breeze.—Ships not very near to her that intends to ſtay, and which are more than two points to windward of her wake, will expect to go to windward; and if, before the tacking ſhip has hauled her head-ſails, it ſhould be found that the other will be pinched in going to windward, the head-ſails ought to be kept a-back until ſhe has paſſed.

Having

Having hitherto conſidered the ſeveral ſhips as being not only unconnected with, but even *ſtriving againſt* each other, I ſhall next proceed to view them as a collective body, under the direction of a commander in chief.

If the whole fleet, or a diviſion of it, are to tack, they may be ordered to do it together; or the headmoſt and weathermoſt may be ordered to tack firſt, and the reſt to follow ſucceſſively, as they get into the wake of their leaders. By either of theſe methods, every ſhadow of danger will be fully obviated; the ſhips will be ranged in a line of battle a-head; and their diſtances aſunder may afterwards be eaſily adjuſted by a proper augmentation, or diminution of ſail.—I cannot ſuppoſe it requiſite to reverſe the order of their ſailing, unleſs the whole fleet were in a ſituation to tack at the ſame time; and in that caſe the rear, by tacking firſt, in order to lead on the other tack, would prevent even the poſſibility of danger.

If, inſtead of tacking, it were required to wear a fleet, or a diviſion of it, the former order ought to be reverſed; the ſternmoſt and leewardmoſt ſhould wear firſt, and the other ſhips, following in ſucceſſion, may all get cloſe to the wind on the contrary tack with ſafety. Altho'

this

this be the beſt method of wearing in fleets, when the ſhips are pretty much crowded together, yet I cannot ſee any danger or difficulty that would attend a contrary procedure. In wearing the van ſhips firſt, it may ſometimes be found neceſſary to paſs to leeward of ſome of thoſe which immediately followed them; but no danger can attend their doing ſo, whilſt the ſhips are under the command of their helm; and they will be in readineſs to haul their wind on the contrary tack, through the firſt opening that preſents itſelf.—As ſhips, when cloſe hauled, generally lay within ſix points of the wind, every ſhip, laying on a contrary tack, which can be brought more than two points on the lee-bow, may be weathered, if the wind continues invariable, and their rate of ſailing be nearly equal.

Upon the whole, Sir, I cannot ſee any danger either in tacking or wearing in the day-time, when the ſhips are free from ſmoke, and have it in their power to bear up for each other, as the ſeveral caſes may require.

In ſaying that there is not any danger in ſhips tacking, wearing, or miſſing ſtays in a fleet, I do not mean that they are, at ſuch times, exempted from thoſe common dangers to which all

are

are continually liable.—But I positively assert, that no *particular* or *extraordinary* danger can arise from any of the before-mentioned motions, unless those who have the management are remarkably *ignorant*, *inattentive*, or *obstinate*: * And even under any of those circumstances, their going out of, and coming into port, their getting under way, and coming to an anchor, is much more dangerous. Harbours, with their channels of communication, are pretty much confined; but the *ocean*, beyond all controversy, is exceedingly spacious.

Having made some remarks on tacking and wearing in fleets generally, I now beg leave to offer a few words on the subject as applicable to you. When it is considered how far the ships a-stern of you had been extended by the signal to chase to windward, your situation must appear to have been very favourable for wearing: And, in my opinion, it will be impossible for *a seaman's eye* to perceive any necessity for the Victory's continuing to stand three quarters of an hour upon the starboard tack, after passing the rear of the enemy, lest her wearing before that

* Accidents are here excepted; they sometimes happen to the best of men: to such they generally arise from a misconception in one or both of the commanders, and it is seldom seen till too late for prevention.

period,

period, ſhould have thrown the ſhips a-ſtern into the *utmoſt confuſion.*—Even ſuppoſing, Sir, that ſome danger would really have attended your wearing ſooner, would not the object then in view, have juſtified you in running ſome riſk to obtain it? A Britiſh fleet, with an enemy near, is not to be conſidered merely as a fleet of ſtate; and, like the earl of Abingdon's regiment, kept aloof from *hazard.** Our ſhips of war, if I miſtake not, are built and ſent to ſea for the very purpoſe of being hazarded in the defence of the kingdom, and the annoyance of it's enemies; and the importance of the object in view, with the reaſonable probability of obtaining it, will always conſtitute a rule for determining the quantum of judicious and neceſſary hazard. You had, Sir, if I may venture to judge, ſome very important objects then in your view; an inferior enemy a-ſtern, with whom you had been engaged, ſtanding from you on the larboard tack; your own rear ſtill engaged to leeward of that enemy; and the vice admiral of the red, with ſeven ſhips of his diviſion, endeavour-

* The earl, in queſtioning the legality of raiſing men by ſubſcription for the ſervice of government, ſaid, If the twelve judges declared the practice legal, he would raiſe a regiment himſelf, but not to be ſent to America, there to be hazarded, perhaps devoted.

ing to double upon them under a great deal of ſail. Were not theſe, Sir, very animating objects for a Britiſh admiral to behold? And were they not highly worthy of your immediate attention?

"Had it even been practicable (you ſay) to "have wore ſooner than I did, no good purpoſe "could have been anſwered by it, ſince I muſt "have only wore the ſooner back again, to have "collected the diſabled ſhips, which would have "been thereby left ſtill further a-ſtern."

I am far from thinking, Sir, that your wearing ſooner would have occaſioned the diſabled ſhips to have been ſtill further a-ſtern; nor can I believe that you would have been under any neceſſity of wearing ſooner back again in order to have collected them. I am of opinion that the diſabled ſhips followed the Victory on the ſtarboard tack, and that, if ſhe had wore ſooner, they would not have gone ſo far to the ſouthward. Three ſhips indeed, the Robuſte, the Egmont, and the Sandwich, made ſo much water, that they could not change their tack until their leaks were ſtopped: but I apprehend, that even *they* would not have gone ſo far to the ſouthward, had you wore ſooner in the Victory. All the other ſhips, ſo far as I can find by the evidence,

evidence, were, or ſoon might have been capable of wearing. A ſhip, with her braces cut, may be unmanageable for a few minutes; but every ſhip that can go cloſe hauled on one tack, may, with a commanding breeze, be wore to the contrary tack, provided that the *ſhip* or the *lee rigging* be not ſo much damaged as to render it imprudent to bring the wind on that ſide, until ſome repairs are effected.

" As ſoon as I had wore to ſtand towards the " enemy (you ſay) I hauled down the ſignal for " battle, which I judged improper to be kept " abroad till the ſhips could recover their ſta- " tions, or at leaſt get near enough to ſupport " each other in action; and in order to call " them together for that purpoſe, I immediately " made the ſignal to form the line of battle a- " head, a cable's length aſunder, and the Vic- " tory being at this time a-head of all the cen- " ter and red diviſion, I embraced that oppor- " tunity of unbending her main-top-ſail, which " was totally unſerviceable, and in doing which, " the utmoſt expedition was uſed; the ſhips a- " ſtern of me doing all they could in the mean " time to get into their ſtations, ſo that no time " was loſt by this neceſſary operation."

As you tell us that you hauled down the ſignal for battle, becauſe you judged it improper to be kept abroad till the ſhips could recover their ſtations, or at leaſt get near enough to ſupport each other in action; I muſt conclude that it was done in conſequence of the then diſperſed condition of your fleet. But who, Sir, had occaſioned the ſhips to be much ſeparated from each other? At half paſt five in the morning, the ſignal was made for ſix ſhips of the blue diviſion to chaſe to windward; and the Victory, after paſſing the laſt of the enemy's ſhips, ſtood on to the ſouthward, until near the time that the firing ceaſed in the rear. Now, indeed, the Victory is on the larboard tack, ſtanding towards the enemy; and the ſignal for the line of battle a-head, a cable's length aſunder, is made, in order to call the Britiſh fleet together for the purpoſe of renewing the attack.—You ſay that the Victory being at this time *a-head* of all the center and red diviſion, you embraced that opportunity of unbending her main-top-ſail, which was totally unſerviceable: but this, Sir, muſt appear aſtoniſhing in the *eye of every ſeaman.* Although the relative ſituation of the Victory, be a matter in which I can hardly ſuppoſe it poſſible for you to have been miſtaken, I declare myſelf utterly incapable of conceiving how you could then be a-head of the red diviſion.

It appears that the red diviſion tacked to port at half paſt twelve; that they were ſtanding *towards the enemy*, with top-gallant ſails ſet, when you came out of the engagement at one o'clock; that the Victory continued to ſtand *from the enemy* for about three quarters of an hour afterwards; and yet ſhe has no ſooner wore, to ſtand after the French fleet, than you tell us that the Victory was a-head of all the center and red diviſion! One of the witneſſes ſays, that the vice admiral of the red, and the ſhips with him, appeared to be a mile a-weather of the Formidable when ſhe paſſed the enemy's rear; and that the Victory was then two miles diſtant, ſtanding towards the enemy. Another witneſs ſpeaks of the red diviſion having ſhortened ſail, and even brought to with their main-top-ſails to the maſt: but no one ſays that they tacked to port after the center diviſion. It is reaſonable to ſuppoſe, that the hauling down of the ſignal for battle was, in ſea language, clapping a *ſtopper* upon the vice admiral of the red; and that, like general Howe's repeated orders to the Britiſh grenadiers at Brooklyn, it would check his heroic ardor.

You add, "The Formidable was a-head of "the Victory during this period, it was her ſta-"tion in the line, on that tack; yet at the very "moment

" moment my accuſer dares to charge me with
" not calling the ſhips together to renew the at-
" tack,—he himſelf, though his ſhip was in a
" manageable condition, as has appeared by the
" evidence of his own captain,—and though he
" had wore, expecting, as he ſays, the battle to
" be renewed, quitted his ſtation in the front of
" that line of battle, the ſignal for which was
" flying, paſſed to leeward of me on the ſtar-
" board tack, while I was advancing to the
" enemy, and never came into the line during
" the reſt of the day.—In this ſituation I judged
" it neceſſary that the vice admiral of the red,
" who was to windward, and puſhing forward
" on my weather-bow, with ſix or ſeven ſhips of
" his diviſion, ſhould lead on the larboard tack,
" in order to give time to the ſhips which had
" come laſt out of action, to repair their da-
" mages, and get collected together."

That the Formidable was ſo far manageable as to wear, appears very clearly, for ſhe actually did wear twice; but it does not appear that ſhe could then have taken her ſtation in the line of battle, a cable's length aſunder. When ſhe firſt wore towards the enemy, it appears that the officers and men were ordered to return to their quarters, in expectation of going again into action when you ſhould come up with the fleet:

and

and that, upon ſome of the French van and center ſhips wearing, and three of them making ſail directly for the Formidable, about the time that the Victory's main-top-ſail was unbent, ſhe wore back again towards the Victory, and began to *repair her damages*. You blame the vice of the blue for paſſing to leeward of you on the ſtarboard tack, when you was advancing towards the enemy, inſtead of taking his ſtation in the line agreeable to the ſignal then flying; but as you repreſent the vice of the red to have been then to windward, *puſhing forward* on your weather-bow, with ſix or ſeven ſhips of his diviſion, inſtead of taking his ſtation in the line a-ſtern of you, one would think him to have been at leaſt as cenſurable. The red diviſion had not only received leſs damage than that of the blue, but they had been longer out of the engagement, and, conſequently they had had more time to repair. This appears to have been your own thoughts on the matter, for you ſay you judged it neceſſary that the vice admiral of the red ſhould lead on the larboard tack, in order to give time to the ſhips which had come laſt out of the action, to repair their damages and get collected together.—As to the ſhifting of the Victory's main-top-ſail, after the ſignal for battle had been *hauled down*, and that for the line, a cable's length aſunder, hoiſted, I think, with

with one of your witneſſes, that it was of ſervice, provided that none of our ſhips were then ſo near the enemy as to be in danger: the unbending of the Victory's main-top-ſail certainly put it more in the power of thoſe ſhips which you had *left to the ſouthward*, to draw nearer to you.

"The French fleet (you ſay) having wore, "and began to form their line on the ſtarboard "tack by the wind, which if they had kept, "would have brought them cloſe up with the "center diviſion, ſoon afterwards edged away, "pointing towards four or five of the diſabled "ſhips, which were at a diſtance to the lee-"ward, and with evident intention to have ſe-"parated them from the reſt of the fleet; to "prevent which, I made the ſignal to wear, "and ſtood athwart their van in a diagonal "courſe to give protection to thoſe crippled "ſhips, keeping the ſignal for the line flying to "form and collect the fleet on the ſtarboard "tack: and as I had thus been obliged to alter "my diſpoſition before captain Sutton left the "Victory with my former meſſage, I diſpatched "him with orders to the vice admiral of the "red, to form with his diviſion at a diſtance "a-ſtern of the Victory, to cover the rear, and "to keep the enemy in check till the vice admi-

ral

" ral of the blue ſhould come into his ſtation
" with his diviſion, in obedience to the ſignal.
" Theſe orders the vice admiral of the red in-
" ſtantly obeyed, and was formed in my wake
" before four o'clock; when finding that while
" by the courſe I ſteered to protect the crippled
" ſhips, I was nearing the enemy, the vice ad-
" miral of the blue ſtill continued to lie to wind-
" ward, and by ſo doing kept his diviſion from
" joining me, I made the ſignal for ſhips to
" windward to bear down into my wake; and
" that it might be better diſtinguiſhed, (both
" being ſignals at the mizen-peak) I hauled
" down the ſignal for the line for about ten
" minutes, and hoiſted it again. This ſignal
" for ſhips to windward to bear down he re-
" peated, though he had not repeated that for
" the line of battle; but by not bearing down
" himſelf, he led the ſhips of his diviſion to in-
" terpret his repeating it, as requiring them to
" come into his wake inſtead of mine."

From the ſituation of the French fleet, as deſcribed by one of your witneſſes, I believe that they might have fetched cloſe up with your center diviſion, if they had kept cloſe to the wind after wearing to the ſtarboard tack. Inſtead of which, you ſay, they edged away, pointing towards four or five of the diſabled

ſhips, which were at a diſtance to leeward, and with evident intention to have ſeparated them from the reſt of the fleet. What the intentions of the French were at that time, I cannot pretend to ſay; but if they really meant to have ſeparated the diſabled ſhips from the reſt of your fleet, they ought to have pointed to windward of the former, for nothing ſhort of their actually coming between the diſabled ſhips and the reſt of the fleet could have effected that purpoſe.—In order to fruſtrate the enemy's deſign, you ſay that you made the ſignal to wear, and ſtood athwart their van in a diagonal courſe to give protection to the crippled ſhips, keeping the ſignal for the line flying to form and collect the fleet on the ſtarboard tack: and that about four o'clock, you found that you was nearing the enemy by the courſe which you ſteered. Here, Sir, I beg leave to offer a few remarks, but previous thereto, I ſhall mention the poſition of the French fleet with reſpect to the Victory, when you was ſtanding towards them on the larboard tack, as ſtated by the witneſs before alluded to: "About three ſail of them (ſays "he) to windward of the fore-ſail, a large body "of the center was right a head of us, and "their ſternmoſt ſhips not very open upon our "lee-bow; at half after two they were above "three miles from us, they then began to get "round,

" round, and form upon the ſtarboard tack;
" for ſome time they pointed their heads as
" though they would have weathered the Vic-
" tory; but about a quarter before three o'clock
" they kept off the wind, and pointed for four
" or five ſail of the Engliſh ſhips that were far
" to leeward and appeared diſabled."

As the enemy's ſhips, after wearing to the ſtarboard tack, did point to windward of the Victory with the wind at weſt-ſouth-weſt, I may fairly conclude that the Victory bore about ſouth and by eaſt from them before ſhe wore: and as the Victory, after wearing to ſtarboard, ſteered ſouth-ſouth-eaſt, in order to give protection to the diſabled ſhips; it is evident that the French ſhips a-ſtern would only be about a point upon her larboard quarter, and could not therefore poſſibly be *neared* by her proceeding in that direction. Whenever the line of any ſhip's motion forms an acute angle with the bearing of any quieſcent object, ſhe muſt approach nearer to that object as ſhe proceeds, until the two lines form a right angle. The objects are then at their neareſt diſtance; and ſuppoſing the ſhip to continue moving in the ſame direction as before, the diſtance between the two objects will continue to increaſe in proportion as the angle becomes obtuſe.

In other words, the diſtance of any object, at reſt, bearing upon any point of the compaſs before the beam of a ſhip in motion, muſt, as ſhe proceeds, continue to decreaſe, until that object comes upon the beam: and ſhould the ſhip ſtill continue her motion, without any alteration in the line of it's direction, the diſtance between her and the other object would always increaſe as the bearing proceeded aft.* When this reaſoning is applied to the Victory, it will evidently appear that, inſtead of *nearing* the enemy by ſteering ſouth-ſouth-eaſt, ſhe was going *away from them* almoſt in a direct line.—Suppoſing the diſtance between you and the enemy to have actually decreaſed, while you was ſteering towards the diſabled ſhips, yet ſuch decreaſe could not be ſaid to have flowed from the manner of your proceeding. Your courſe, whether conſidered as *direct* or *oblique*, was certainly from the enemy; and every fathom you went in that direction, however ſlow your motion, had a natural tendency to increaſe your diſtance from every object ſituated abaft your beam on either ſide.—Even ſuppoſing the Victory to have brought to, that act would only have ſuſpended her own forward motion: although it would

* Towards the ſhip's ſtern.

have

have afforded the French ſhips a fair opportunity for coming up, yet their ſubſequent approach would have been properly the effect of their own progreſs, not of your's.—Inſtead of ſtanding athwart the enemy's van, it rather ſeems that the Victory and the enemy pointed to the ſame object, the diſabled ſhips; and, according to the witneſs laſt quoted, the competitors were ſo far from having neared each other at four o'clock, the time referred to, that their diſtance aſunder had even increaſed. Although the Victory is ſaid to have been above three miles from the enemy's rear at half paſt two o'clock, when they began to wear towards her, their diſtance muſt have been leſs than three miles when the Victory wore from them at ſeven minutes after three; and at half paſt four, they are ſaid to have been three miles aſunder.

Although much has been ſaid to ſhew that the French had no inclination to bring on a ſecond engagement, you ſeem to have had a very different opinion of that matter when you ordered the vice admiral of the red to form with his diviſion at a diſtance a-ſtern of the Victory, to cover the rear, and to keep the enemy in check till the vice admiral of the blue ſhould come into his ſtation with his diviſion, in obedience to the ſignal. Surely, Sir, you was apprehenſive

of

of danger when you deemed it neceſſary to *cover your rear* in ſtanding from the enemy; and you muſt have thought that the French were advancing to *re-attack you*, when you ordered the red diviſion down for the avowed purpoſe of *keeping them in check*.

" After I had wore (you ſay) upon the ſame " tack with the enemy, to protect the diſabled " part of my fleet, and to collect the reſt toge- " ther, there would have been little to do to re- " new the battle, but bearing right down upon " the enemy, if my accuſer had led down his di- " viſion in obedience to the repeated ſignals and " orders which I have ſtated. The Victory " never went more than two knots, was under " her double-reefed top-ſails and fore-ſail, much " ſhattered, which kept the ſhips that were near " her under their top-ſails, and ſuffered the " French fleet, which might always have brought " me to action, if they had inclined to do it, " to range up parallel with the center under " very little ſail: and it was to protect the five " diſabled ſhips above-mentioned, and to give " the reſt time to form into ſome order, that I " judged it more expedient to ſtand as I did, " under that eaſy ſail, than to bring to, with " my head to the ſouthward. The court will " judge whether it was poſſible for any officer in

" the

"the ſervice, really to believe that theſe opera-
"tions could give the appearance of a flight,
"or furniſh a rational pretence to the French
"admiral to claim the victory, or publiſh to the
"world that the Britiſh fleet had run away."

This, Sir, is a very important part of your defence, not only with reſpect to yourſelf, but to Sir Hugh Palliſer, and to the public at large. It is a matter wherein every Briton is deeply intereſted, but which none but ſeamen can fully comprehend. As a Britiſh ſeaman I will venture to take a view of the momentous ſubject, and, as a lover of juſtice, I wiſh impartiality and candor to mark the diſquiſition.—You tell us, Sir, that you wore upon the ſame tack with the enemy, in order to protect the diſabled part of your fleet, and to collect the reſt together; and that there would have been little to do to renew the battle but bearing right down upon the enemy, if the vice admiral had led down his diviſion in obedience to your repeated ſignals and orders.—*Protect*, *collect*, *and re-attack* were your great deſigns: they were of the laſt importance to the Britiſh empire, and worthy of your purſuit; but how were they executed? As thoſe ſhips which had not received much damage were ſoon able to join the Victory, agreeable to the ſignal for the line then flying, I ſhall confine my obſervations

vations to ſuch as were diſabled, and conſequently incapable of yielding immediate obedience. Of that part of your fleet, I find that four ſhips were the principal, if not the only objects of your protection, viz. the Sandwich, Ramillies, Robuſte, and the Egmont;* they had fallen to leeward in repairing their damages upon the ſtarboard tack, and are ſaid, by you, to have been at a *great diſtance* on the Victory's lee quarter before ſhe wore to ſtand to the ſouthward.

It appears, Sir, that ſoon after your wearing to the ſtarboard tack, you ſteered ſouth-ſouth-eaſt (about two points from the wind) towards the four diſabled ſhips before-mentioned; and that about five o'clock, the very time you ſay that you had accompliſhed the protection of the diſabled ſhips, the *Vengeance*,† one of your own

* The Courageux had been to leeward of all the diſabled ſhips, but left them at half paſt two o'clock, in order to get into her ſtation in the line.

† Queſt. During that afternoon, did you obſerve one of the ſhips of the admiral's own diviſion, laying a conſiderable diſtance a-ſtern of him, in his own wake, upon which the van of the French fleet fired?

Anſ. I do recollect the Vengeance, I think, captain Clements.

Queſt.

diviſion was laying about two miles a-ſtern of the *Victory* in a very diſabled condition, and in imminent danger of being deſtroyed by the enemy. When it is conſidered that the diſabled ſhips, according to the evidence of one of your own witneſſes, were then on your lee-bow, conſequently a-head of the *Victory*; and that the French fleet were about three miles a-ſtern and to leeward; it will, I preſume, be difficult to account for your leaving the *Vengeance* ſo far a-ſtern of the *Victory* and ſo near to the enemy. The diſabled ſhips were in no danger whilſt the enemy continued ſo far a-ſtern, and the *Victory* with the ſhips

Queſt. What diſtance do you think that ſhip was then a-ſtern of the Victory?

Anſ. As near as I can recollect, about two miles.

Queſt. Was you at that time under apprehenſion of any danger of her being cut off by the French fleet.

Anſ. I did at that time expreſs my apprehenſion on the Milford's quarter-deck, that ſhe would receive the fire of the French fleet as they paſſed under her lee, and thought it probable ſhe might thereby have been deſtroyed, then laying in a very ſhattered condition, and ſeemingly unable to make ſail?

Queſt. by the admiral. You have deſcribed the dangerous ſituation you obſerved the Vengeance to be in, two miles a-ſtern of the Victory, after the Engliſh fleet were ſtanding on the ſtarboard tack, at what hour was this?

Anſ. I think near about five o'clock in the afternoon.

about her between them: whereas the *Vengeance*, with our own ſhips ſo far a-head, and the French near a-ſtern, muſt have been in a perilous ſituation.

You ſay the *Victory* was under double-reefed top-ſails and fore-ſail, much ſhattered; and that ſhe never went more than two knots. But as I do not believe that the rate of the Victory's ſailing was at that time determined by the actual heaving of the log, I beg leave to offer my reaſons for thinking that ſhe went conſiderably faſter. One of your witneſſes ſays, that about five o'clock the *Milford* was ſent to acquaint Sir Robert Harland that "it was the admiral's di-"rection that he ſhould make ſail and form a-"head, and make a *preſs of ſail* to do that ſer-"vice."—The ſame witneſs alſo ſays that he ſaw the *Fox*, when going with a meſſage to the *Formidable*, "make ſail to the windward on her "larboard tack, keeping her wind cloſe, and "carrying a *preſs of ſail*."—Another of your witneſſes ſays, that they carried a *preſs of ſail* on the Fox, that their top-gallant-ſails were ſet, that they ſtood by the halyards and lee-ſheets, and that he ſuppoſed her to have gone from ſix to eight knots.

From

From this evidence, Sir, I may fairly conclude, that the *Victory* muſt have gone conſiderably more than two knots, eſpecially when ſhe ſteered ſouth-ſouth-eaſt with the wind upon the beam. Their having ſtood by the top-gallant halyards and lee-ſheets on board the *Fox*, ſhews that they had a briſk gale at the time; and as ſhe went about ſeven knots, I think the *Victory*, under her double-reefed top-ſails, fore-ſail, mizen, and mizen-ſtay-ſail, could not go leſs than *four* knots cloſe hauled, nor under *five* when ſteering two points from the wind. I allow the *Fox* to have gone three knots more than the *Victory:* two I allow for the *extra* ſail which the *Fox* carried at the time referred to, and one for her ſuperiority in ſailing as a frigate.

The relative poſition of the Victory, when ſhe cloſe reefed her top-ſails at eight o'clock, is deſcribed by one of your witneſſes as follows: "The vice admiral of the red was formed a-"head of the Victory, the ſhips belonging to "the center diviſion had, all but one or two, "joined us; the Foudroyant, Prince George, "and Bienfaiſant, were formed in the line a-"ſtern of us,—a conſiderable way a-ſtern of "them, but not in the line;—there was ano-"ther ſhip endeavouring to get up, I took her

" to be the Vengeance.—The vice admiral of " the blue and the ſhips of his diviſion, were to " windward about three miles, ſtanding on, ex- " cept three or four ſail, which had began to " obey the ſignal for coming into their ſtations. " —The French fleet were ſteering a parallel " courſe to the Victory. We had hauled our " wind an hour before dark. The third ſhip of " the French van was a-breaſt of our quarter, " about a mile and a half to leeward of us. " The French line was formed with fourteen " ſail a-head of the French admiral, and the " ſame number a-ſtern of him. Their beſt " going ſhips were under their top-ſails only, " their heavy ſailing ſhips were under their top- " ſails and fore-ſails, and ſome of them with " their main-ſails ſet."

From this account, Sir, it is evident, that the *Victory*, whether ſhe went two knots or twice two, had gone too faſt all the afternoon. The *Vengeance* is ſtill a conſiderable way a-ſtern, *endeavouring to get up*, the *Formidable* three miles to windward,* and the third ſhip of the enemy's

* The Formidable is here ſaid to have been three miles to windward of the Victory, without mentioning whether ſhe was alſo far a-ſtern, or how otherwiſe ſituated. It appears, however, by the evidence of ſeveral witneſſes, that ſhe ſteered

van only a-breaſt of the *Victory*, about a mile and a half to leeward. The *Vengeance* ſeems to have owed her ſafety more to the diſtance of the enemy to leeward, than to the vicinity of our own ſhips a-head; your fleet, even then, was far from being collected; nor was that of the enemy's co-extended with it; and conſequently you was not in that ſituation which would have enabled you to renew the battle as you ſaid, by "bearing right down upon the enemy." You ſay that you preferred ſtanding as you did, under an *eaſy ſail*, to that of bringing to with

ſteered after the Victory, keeping her a little on the lee-bow; and that the Victory continued to increaſe her diſtance from the Formidable all the afternoon, though the latter carried all the ſail that her diſabled condition would admit of. It alſo appears, that although the Formidable's fore-top-ſail was long unbent, it was brought to the yard and ſet, as ſoon as the maſts were thought ſufficiently ſecured, by the repairs of the rigging, to bear it; and that, had ſhe actually been in her ſtation in the line before that time, ſhe could not have kept it unleſs the Victory had carried leſs ſail.—One witneſs, indeed, ſays, that as the Formidable was far to windward of her ſtation in the line, ſhe might have got into it even with the ſail ſhe then carried. But it ſhould be obſerved, that though the Formidable's rate of ſailing would have been increaſed by going two or three points from the wind, that advantage would have been loſt as ſoon as ſhe had got into her ſtation; ſhe muſt then have ſteered as the Victory did, and with at leaſt an equal quantity of ſail.

your head to the ſouthward, in order "to pro-"tect the five diſabled ſhips above-mentioned, "and to give the reſt time to form into ſome "order:" but although the former may have been thereby accompliſhed, the latter was not effected. However you might think that the protection of the diſabled ſhips rendered it neceſſary for you to ſtand as you did, that neceſſity muſt have ceaſed to exiſt at five o'clock, the time when you ſay their protection was accompliſhed: and your *laying to* afterwards, would, in my opinion, have furniſhed all the diſabled ſhips with an opportunity of joining you with the greateſt eaſe. Had you brought to at five o'clock, when you directed the vice admiral of the red to ſtretch a-head and take his proper ſtation in the line, he might ſoon have performed that ſervice, without being ordered to carry a *preſs of ſail*; the *Vengeance* would have been enabled to get up; and even the *Formidable* could eaſily have taken her ſtation. Thus, Sir, might your whole fleet have been quickly *collected*, the *ſhattered* ſails of the Victory, as well as thoſe of all the other ſhips, ſhifted, and the French fleet, by coming up to leeward, and extending from rear to van with the Britiſh fleet, would have given you an opportunity of renewing the battle with little more trouble

trouble than that of *bearing right down upon the enemy.*

I will not take upon me to ſay, whether it was poſſible for any officer in the ſervice really to believe that your operations could give the appearance of a flight, or furniſh a rational pretence to the French admiral to claim the Victory, or publiſh to the world that the Britiſh fleet had run away; but I cannot help thinking that they often boaſt upon much leſs plauſible grounds. The French account of the battle, and the ſubſequent motions of their fleet, ſays:

"The fire was very hot on both ſides for "about three hours, during which it was evi- "dent that the fire from the French ſhips was "quicker than that of the Engliſh. The poſi- "tion of the Engliſh to leeward, gave them "the advantage of uſing their lower-deck guns, "which admiral De Orvilliers was anxious to "deprive them of; he therefore made a ſignal "for the blue ſquadron to veer by a ſucceſſive "movement, and another ſignal for the reſt of "the fleet to follow, and range it in order of "battle upon the ſtarboard tack: that move- "ment was afterwards well executed, but ne- "verthelefs was too much delayed to be enabled "to follow cloſe, and extend the line from rear

"to

" to van of the Engliſh fleet, as the admiral
" intended. It is not ſurpriſing that a move-
" ment which opportunity gave birth to, and
" was inſtantaneous, was not perfectly laid hold
" of at that moment, but the duke De Char-
" tres having paſſed under the general's ſtern to
" aſk his intention, admiral De Orvilliers anſ-
" wered, that his intention was to form the line
" in the reverſe of what it was upon the larboard
" tack, by going to leeward of the Engliſh
" fleet, and depriving them of the advantage
" they then poſſeſſed, which was ſpeedily exe-
" cuted. This evolution ſtopt admiral Keppel,
" who had already wore with his fleet, with an
" intent of attacking the rear of the French,
" by bearing four points from the wind; but
" meeting with the French fleet oppoſed to his
" route, drawn up in order of battle, he then
" was compelled to ſteer back again upon the
" former tack; being then to windward with
" his whole fleet, he arranged them in a line of
" battle a-head upon the ſtarboard tack, an
" advantage his new poſition now gave him.—
" The French admiral purſued the Engliſh, and
" repeatedly offered them battle, being formed
" in the beſt order, from two in the afternoon,
" until ten at night, then to leeward of them;
" but admiral Keppel did not think fit to ac-
" cept of it, and took the advantage of the
" darkneſs

" darkneſs of the night to effect his retreat, " during which he took care not to ſhew any " lights. During the night, the French fleet " carried the uſual diſtinguiſhing and other " lights, in order to ſhew the enemy their ſitu- " ation."

Although I am very far from thinking that you was either running away from the French, or had the leaſt intention of doing ſo; yet I cannot avoid believing that you ſtood directly from them, with as much ſail as the blue diviſion, the Ocean excepted, had ſet at day-break in the morning, when they were underſtood to be in chaſe of the enemy; and that the French were following, not to ſay purſuing you, with as much ſail as they ſeem to have been under when you ſaid they were *going off*. The ſame witneſs who ſays, the French fleet were in general under their top-ſails and courſes at half paſt five in the morning, ſtates ſome of their heavy ſailing ſhips to have been under their top-ſails and courſes at eight o'clock at night.—When I ſay you ſtood directly from the enemy, I refer to the time of your firſt ſtanding to the ſouthward, a little after three o'clock; for, after the French had run to leeward in forming their line, and had advanced ſo far as to be broad upon your lee-quarter when cloſe hauled, the wind

would not admit of your going directly from them, nor could they, from that time, fetch far enough to windward to bring you to action; much leſs could they be ſuppoſed capable of doing ſo, when at a mile and a half, or two miles diſtance on your lee-beam.—I ſhall now leave the tranſactions of the memorable 27th of July, and take ſome notice of what you ſay concerning thoſe of the next morning.

You ſay: "On the morning of the 28th of "July, the French fleet, except three ſail, "which were ſeen on the lee quarter) was only "viſible from the maſt-head of ſome of the "ſhips of the Britiſh fleet, and at a diſtance "from me, which afforded not the ſmalleſt "proſpect of coming up with them, more eſpe- "cially as their ſhips, though certainly much "damaged in their hulls, had not apparently "ſuffered much in their maſts and ſails; where- "as the fleet under my command, was generally "and greatly ſhattered in their maſts, yards, and "rigging, and many of them unable to carry "ſail: as to the three French ſhips, I made the "ſignal at five o'clock in the morning for the "Duke, Bienfaiſant, Prince George, and Eli- "zabeth, to give them chaſe, judging them to "be the propereſt ſhips for that purpoſe; but "the two laſt were not able to carry ſufficient

"ſail

„ ſail to give even countenance to the purſuit;
" and looking round to the general condition of
" my fleet, I ſaw it was in vain to attempt
" either a general or a partial chaſe.—Under
" theſe circumſtances, I truſt, I could not miſ-
" take my duty; and I was reſolved, as I have
" already before obſerved in the introduction to
" my defence, not to ſacrifice it to an empty
" ſhow and appearance, which is beneath the
" dignity of an officer, unconſcious of any
" failure or neglect. To have urged a fruitleſs
" purſuit with a fleet ſo greatly crippled in it's
" maſts and ſails, after a diſtant and flying ene-
" my, within reach of their own ports, and
" with a freſh wind blowing fair for their port,
" with a large ſwell, would have been not only
" wantonly expoſing the Britiſh fleet under my
" command, without end or object, but miſ-
" leading and defeating it's operations by de-
" laying the refitment neceſſary for carrying on
" the future ſervice with vigour and effect."

This, Sir, muſt furniſh matter of aſtoniſh-ment to every ſeaman! Three of the enemy's ſhips left in the night by the reſt of their fleet; ſeen at a ſmall diſtance, by the Britiſh fleet, at day-light in the morning; and allowed to de-part in peace!—You made the ſignal for four ſhips to chaſe 'tis true; but not till the ſun had

been an hour above your horizon, and you countermanded your orders before they could be executed. You ſay that, of the four ſhips which were ordered to chaſe, two were not able to carry ſufficient ſail to give even countenance to the purſuit: but why Sir, were ſuch ſhips ordered upon that ſervice? Conſidering the ſail which the Victory carried, when ſtanding from the enemy on the preceding day, with the ſignal for the line of battle flying; one would think, you muſt have been well qualified to know what ſhips were propereſt to chaſe the flying enemy.—You ſay that, looking round to the general condition of your fleet, you ſaw it was in vain to attempt either a general or a partial chaſe. Miſerable condition indeed, if among thirty ſhips of the line and four frigates, you could not find a number ſufficient to chaſe three ſail of the enemy! This, Sir, is the ſecond general ſurvey which you ſay you took of your fleet; and, in my opinion, we have little reaſon to boaſt of their conſequences. As you tell us that you declined the chaſe on account of your apprehenſions of danger and the improbability of ſucceſs, I beg leave to offer a few diſpaſſionate remarks on the ſubject.

In another part of your defence you deſcribe it as "a *fruitleſs* and a *moſt hazardous chaſe* of "ſome

"ſome few ſhips:" And in the courſe of the trial there were ſeveral efforts made to prove, that many of your ſhips were ſo much diſabled in their maſts, yards, and ſails, as to have been incapable of chaſing the enemy on the morning of the 28th, *as ſhips of war ſhould chaſe:* and that it would have been imprudent and dangerous to have *entangled the fleet with a lee-ſhore on an enemy's coaſt.*

That ſome of your ſhips had received conſiderable damage in their maſts, yards, rigging, and ſails, I cannot entertain a doubt: but, when the time at which the firing ceaſed on the preceding day is duly conſidered, every ſeaman muſt allow that the rigging ought to have been ſufficiently repaired, for the temporary purpoſe in queſtion; and that every unſerviceable ſail ſhould have been previouſly ſhifted. To hear ſails mentioned as an article of diſability, on the morning of the 28th, muſt be matter of wonder to every ſeaman who believes that the ſhips were not without a ſufficient number of ſpare ſails on board, and that the admiral, in ſtanding from the enemy, with the ſignal for the line of battle, did not carry ſo much ſail as to prevent ſo very neceſſary an operation as that of ſhifting ſuch as were *unſerviceable.*—In order to juſtify the unbending of the Victory's main-top-ſail, you aſked

one

one of your witneſſes, whether it did not enable the other ſhips to cloſe up with you? And the anſwer very juſtly was, "By it's being unbent, "the ſhips we left to the ſouthward a-ſtern of "us, had it certainly more in their power to "draw nearer to us." If ſhortening ſail in the Victory, when ſtanding towards the enemy, was not only juſtifiable, but proper on the ground of enabling the ſhips a-ſtern to cloſe up with you; ſurely, Sir, it could not reaſonably be deemed leſs ſo, when you ſtood the contrary way.—The diſability in their maſts and yards, if there had been much wind at that time, might have rendered them incapable of chaſing as *ſhips of war ſhould chaſe*; but as it appears that the wind was then moderate, and that the ſhips could have carried all their ſails, in chaſing before the wind, I cannot avoid thinking, that a general chaſe ſhould have immediately taken place. Although the French fleet, (three ſhips excepted) had ſlipped away in the night, you could not certainly know that they would have fled in open day: And, if they had, their flight might have given you an opportunity of taking ſome of their ſternmoſt ſhips, which, if I miſtake not, would have afforded a no leſs pleaſing than convincing proof of your *boaſted victory*. Even ſuppoſing that ſome of your ſhips were not in a condition to have chaſed, as ſhips of war

ſhould

ſhould chaſe, I cannot conceive how any bad conſequences could poſſibly have ariſen.—Here the following queſtion, put to one of the witneſſes, ſtares me in the face: "If admiral Kep-"pel had ordered the undamaged ſhips to chaſe "the three ſhips that were running away, with "all the ſail they could ſet, do you think that "the undamaged ſhips might not have been led "into the mouth of the enemy, before our diſ-"abled ſhips could have come up to their relief "or aſſiſtance?" To this I anſwer, there was not the leaſt danger of our undamaged ſhips being led into any ſuch ſnare. The van ſhips could have eaſily avoided coming to an engagement with a ſuperior force of the enemy, by ſhortening ſail until a ſufficient number of our own ſhips had come up to ſecond them: whereas the enemy, by being to leeward, would have been utterly incapable of advancing, and conſequently of forcing them to have fought under any diſadvantage.

I readily grant that it would have been very imprudent to have entangled the ſhips with a lee-ſhore on an enemy's coaſt. But where is the man capable of ſhewing that a general chaſe of the enemy, on the 28th of July, would neceſſarily have involved our fleet in that danger? Every man muſt allow that it would have been extremely

extremely imprudent to have followed the enemy into the harbour of Breſt: But will that juſtify you in not having purſued them at all? The French ſhips might have been purſued, and the dangers of a lee-ſhore avoided.* I will venture to ſay that, with a long ſummer's day before you, no danger could have attended your making the iſland Uſhant. It would then have been ſoon enough to have conſidered the ſubject of lee-ſhores, and to have determined the limits of your further purſuit. When the ſituation of Uſhant,† with reſpect to the coaſt on each ſide of the iſland, is duly conſidered; the *terrific* idea of lee-ſhores will appear to be a mere chimera, eſpecially in that ſeaſon of the year which is generally marked with gentle breezes and calm ſeas.‡

* The Britiſh fleet was then more than a hundred miles from the coaſt of France.

† Uſhant lies about five leagues weſt and by north from the neareſt part of the ſhore, which is Point St. Paul, and not far from the entrance of Breſt.

‡ It is preſumed, that no man living ever knew a gale of wind ſo ſtrong and laſting, in the months of July and Auguſt, as to keep a ſhip under her courſes (lower ſails) for the ſpace of twenty-four hours, in any of our circumjacent ſeas. Seamen are generally much more apprehenſive of calms, at that ſeaſon of the year, than gales of wind.

As the Seams* bear about ſouth from Uſhant, and the Caſquets† about north-eaſt a point eaſterly, all the dangers along that coaſt, on each ſide the iſland, are included by two ſuppoſed lines extending in the above direction, forming, at Uſhant, an obtuſe angle of about an hundred and twenty-four degrees. By the ſituation of Uſhant, Sir, as thus deſcribed, it is evident, that every ſhip which can make a ſouth courſe good on the ſtarboard-tack, or a north-eaſt and by eaſt courſe on the larboard-tack, may avoid every danger on the coaſt of France, provided that ſhe be about two leagues to the weſtward of the iſland when ſhe firſt hauls her wind: and it is alſo evident, that the wind, by fixing at any one point of the compaſs, cannot prevent a ſhip, ſo ſituated, from making one or the other of the above courſes good, whilſt her lee-way does not exceed four points and a half. Let us, for example, ſuppoſe a ſhip to be two leagues to windward of Uſhant, with the wind two points and a half to the northward of weſt; ſhe will, on either tack, lay four points and an half to

* The Seams are rocks, which lie off the weſt coaſt of France, about ten or eleven leagues from Uſhant.

† The Caſquets are high rocks, lying about three leagues weſt from the iſland Alderney, and diſtant from Uſhant about forty-ſeven leagues.

windward of every danger: And if we ſuppoſe the wind to blow directly on the coaſt, on one ſide of the iſland, ſhe will then lay ſeven points to windward of every thing that can hurt her on the contrary ſide.—This laſt, Sir, was exactly the caſe with you on the 28th of laſt July. The wind, allowing two points for the variation of the compaſs, was then at weſt; and your fleet, if they had chaſed until they had got near to Uſhant, might afterwards have even croſſed the channel to Plymouth with the wind two points abaft the beam: and they might have kept clear of every danger on the coaſt of France, *without any ſail at all.*

I had frequently been told that three of the enemy's ſhips were very near to your fleet in the morning of the 28th, and went off without being followed; but, until the trial commenced, I never could believe the report; and, to this hour, I am aſtoniſhed at your conduct! You ſay, "It is undoubtedly the duty of every ſea "officer, to do his utmoſt to take, ſink, burn, "and deſtroy the enemy's ſhips wherever he "meets them." But you could have chaſed the flying enemy: the improbability of coming up with them was a mere conjecture; and the danger of a lee-ſhore nothing more than a bugbear. —You ſay that, on the 27th of July, you came

to

to an action with the French; "they were "beaten, and obliged to retire into their own "port." But how were they beaten? And who obliged them to retire into their own port? Sir Hugh Palliſer, againſt much oppoſition, endeavoured to prove the former; but none have yet attempted to prove the latter. One of your witneſſes, in ſpeaking of the two fleets, when ſtanding to the ſouthward after the action, ſaid: "If our good fortune had placed us in their ſi-"tuation, and they in ours, if we had not de-"moliſhed them we ought to have been ſent to "the *Juſtitia* ballaſt-lighter:"* And, inſtead of obliging them to retire into their own port, you laid the Britiſh fleet to with their heads to the northward, and ſet up their rigging! Concerning your returning to Portſmouth with twenty ſail of the line, in order to obtain a reinforcement, you complain of having been filled

* Some have thought that this advantage, on the ſide of the enemy, aroſe from the relative poſition of the fleets reſpecting the wind: but ſuch are greatly miſtaken. The Britiſh fleet had always the advantage of the wind, after they wore to ſtand to the ſouthward at three o'clock. Whilſt the French fleet could fetch up with ours upon the ſtarboard tack, our fleet could have gone a conſiderable way to windward of them upon the contrary tack; and after they had gone far to leeward in forming their line, they could not have fetched our fleet at all.

with the deepeſt melancholy you ever felt in your life, upon finding yourſelf obliged to *turn your back on France.* But allow me to aſk what obliged you, on the morning of the 28th of July, to turn your back upon France, and it's flying fleet, as directly as the wind would permit?

In giving your reaſons for not having formed the line previous to your coming to action with the enemy, you ſay: "If by obſtinately adhering to the line of battle, I had ſuffered, as I inevitably muſt, the French fleet to have ſeparated from me, and if by ſuch ſeparation, the Engliſh convoys from the Eaſt and Weſt-Indies, which I have already ſtated in the introduction to my defence to have been then expected home, had been cut off, or the coaſt of England had been inſulted, what would have been my ſituation; ſheltered under the forms of diſcipline, I perhaps might have eſcaped puniſhment, but I could not have eſcaped cenſure; I ſhould neither have eſcaped the contempt of my fellow citizens, nor the reproaches of my own conſcience."—Nothing, Sir, in my opinion, could more ſtrongly urge a general chaſe. Our convoys from the Eaſt and Weſt-Indies were ſtill out; nay, to uſe your own words in another place, "The greateſt

"body

" body of the Britiſh trade was then on it's re-
" turn home. Two Eaſt-India, and two Weſt-
" India fleets of immenſe value were hourly ex-
" pected." You ſay that, on your returning to refit your fleet, you took care to leave two men of war of the line on a cruize to protect the trade. But what protection, Sir, could two ſhips of the line have afforded had they been oppoſed by twenty-nine ſail of the enemy? You had ſuffered the French fleet to ſeparate from you without having gained any material advantage over them; and they might then, for any thing you knew to the contrary, have been on their way to inſult the coaſt of England, or proceeding to the ſouthward in order to intercept our homeward-bound fleets. I think that I err not when I ſay, the ſafety of our returning fleets required that the French ſhould have been driven into port, before you quitted your ſtation. This, Sir, was a matter of the utmoſt conſequence to your country, and, in my opinion, highly worthy of your attention.

In complaining of Sir Hugh Palliſer's long ſilence on the ſubject of your accuſation, you ſay: " I have mentioned before the circum-
" ſtance of my accuſer's ſilence for months,
" during which he was called upon, by the duty
" he owed to his country, to have ſtated my miſconduct,

" miſconduct, if any ſuch had exiſted; and his " refuſal to do ſo is ſtrong evidence of itſelf, " that even in his opinion my conduct was lia- " ble to no reproach." As thoſe reaſons which you ſay operated with you againſt an early accuſation of Sir Hugh Palliſer, for diſobedience of orders, muſt be allowed to have at leaſt an equal operation in favour of his delay; it will, I preſume, be fair to ſuppoſe that Sir Hugh's ſilence has been owing to ſimilar motives; and as, in that caſe, he will be entitled to the ſame plea, I ſhall take the liberty of quoting your own words as a juſtification of his conduct. Having mentioned the ſpeedy refitting of the fleet, by the hearty co-operation of all the admirals and captains, you add: " This benefit I acquired " by avoiding a retroſpect into the conduct of " the vice admiral of the blue; for if I had in- " ſtituted an inquiry or trial, it would have ſuſ- " pended the operation of the whole fleet, and " would have ſuſpended them in the midſt of " the campaign, when every moment was pre- " cious, and the exertion of every officer ne- " ceſſary. The delay which the preſent court- " martial has occaſioned to the ſervice, even at " this time, is evident to all the world. How " much more miſchievous would it have been " at that period?"—This, Sir, exactly accords with my idea on the ſubject; and I have no doubt

doubt of the vice admiral's ſaying that it is conſentaneous to his.

On the ſubject of Sir Hugh's ſilence you add: "But this is not all; even ſo late as the 5th of "October laſt, I received a letter from him, "dated at ſea, conceived in terms of great good "will and reſpect for me; in which, having "occaſion to mention ſome prizes, which had "been taken by the fleet, he conſiders *that* as a "ſubject of little moment to me, aſſigning *this* "as a reaſon — *For I know you had rather meet the* "*French fleet*.—That fleet which he ſays I fled "from! Is this conſiſtent with the tenor of "thoſe charges? Could the man who wrote the "one believe the other?—It is abſolutely im-"poſſible."

I ſhould be ſorry, Sir, to find the leaſt inclination to plead for inconſiſtency in any man, more eſpecially when it relates to matters of importance. Glaring inconſiſtency ought always to be deemed an object of diſapprobation: But, in the preſent caſe, I beg leave to ſay, that however inconſiſtent the above conduct may appear, it will, in my opinion, appear evidently outdone by comparing your declaration in the houſe of commons with the contents of your public letter. In your public letter you ſaid that the ſpirited

rited conduct of Sir Hugh Palliſer deſerved much commendation; and in the houſe of commons you declared, that his diſobedience of your orders had been the cauſe of your not re-attacking the French fleet on the 27th of July. In behalf of your conduct in this matter you ſay, you do not conceive that a commander in chief is bound to diſcloſe to all Europe, in the midſt of a critical ſervice, the real ſtate of his fleet, or his opinion of any of his officers. But ſurely, Sir, no commander in chief is bound to praiſe where he thinks cenſure is incurred; much leſs can he think it his duty to counteract his public approbation, by a ſubſequent and private converſation. It does not however appear to me that Sir Hugh's ſaying, in his letter, that he knew you had rather meet the French fleet, is abſolutely inconſiſtent with the tenor of thoſe charges which he afterwards exhibited. He might really think your former conduct to have been blameable, and yet believe that you earneſtly wiſhed for an opportunity to give a better account of the enemy.

How far both parties have been to blame, I ſhall not pretend to determine; but I will venture to ſay that matters have been carried further, on both ſides, than was originally intended. I am ſorry, Sir, to ſay, that true patriotiſm

ſeems

ſeems to be almoſt wholly abſorbed by party feuds and private views; and it is currently believed that matters have lately been carried to a very great, if not to an unwarrantable length, on your ſide. Some have appeared very active as your friends, who are *more* than ſuſpected of being friends to thoſe with whom we are now at open war. In my opinion this country has much to fear from the preſent mode of oppoſition. An oppoſition to adminiſtration, founded upon juſt principles, and carried on in a proper manner, will always produce the moſt ſalutary effects in this free country; and it will merit the approbation and ſupport of every Briton: But an unprincipled* oppoſition, like that with which we are now viſited, muſt operate as poiſon upon the body politic, and it ought to be reſiſted by all who wiſh to prevent the deſtruction of the Britiſh ſtate. Your attachment, Sir, to ſome of the leaders of *this* oppoſition has lately been the topic of public converſation, and ſome of your ſenſible friends have been put to the bluſh. You was always deſervedly deemed a brave and a good officer; as ſuch you was lately employed by an *anxious* government, and reſpected by a *generous* public. But, ſtrangely

* The biſhop of Peterborough is here excepted, as being one of a very different deſcription.

urged by a deſigning party, your importance ſeems to have been rather *over-raiſed* in the late condition of your future ſervice; and your recent conduct in the ſenate has opened the eyes of all who are willing to ſee.—An attempt was ſome time ago made, to empower a rebel congreſs to model the Britiſh miniſtry; and we have lately heard of *ſubſcribing* admirals, and *reſigning* captains; but I hope they are only the reports of deſigning men, raiſed for the purpoſe of perverting juſtice, and to embarraſs government. Our naval officers are a body of the moſt deſerving and important ſubjects in the kingdom, and I hope they will never allow their minds to be prejudiced againſt any part of adminiſtration.

It has been ſaid that, the difficulties and diſcouragements ariſing from your trial are ſuch, that it will not be eaſy for officers, attentive to their honour, to ſerve their ſovereign, particularly in ſituations of principal command, if their conduct is liable to the impeachment of a ſubordinate officer; or the principles upon which the ſame has been ſupported, ſhall prevail with any lord high admiral, or with any commiſſioners for executing that office.

As our ſhips of war are unqueſtionably the property of the public, and every naval commander their ſervant, the little difficulties and diſcouragements which individuals of that body may ſometimes meet with, ought never to be brought into competition with the welfare of the ſtate. Thoſe who are in ſituations of principal command, cannot be ignorant of their ſubordination to others, nor can they forget that their conduct, if blameworthy, is and ought to be, impeachable by their inferiors. Every member of ſociety, however dignified, muſt always hold himſelf accountable to the laws of that ſociety; every ſervant of the crown, however high his rank, ought to deem a faithful diſcharge of his duty, his beſt official ſhield; and every commander, whether principal or ſubordinate, ſhould invariably purſue the welfare of the community as his real, his higheſt, and his moſt permanent honour.

Having given my opinion upon ſome of the moſt material parts of your late defence, as candidly and impartially as I can, I beg leave to ſay that I have not the leaſt deſire to hurt the reputation of any man in the fleet; nor am I, knowingly, under the influence of party prejudice. I am nowiſe acquainted with either adminiſtration or oppoſition: I only wiſh to ſet the

the important matters in their true light, and, in ſome degree, to repel thoſe inſults which have lately been offered to the underſtanding of every Britiſh ſeaman. There are thouſands in the kingdom well able to judge on the ſubject; to them I appeal for the truth of what I have advanced. Should you apprehend that I have ſaid any thing contrary to truth, or inconſiſtent with that reſpect which is due to your rank, and to your former ſervices, I declare myſelf ready to render ample and immediate reparation.—Concerning Sir Hugh Palliſer, I have followed the dictates of my conſcience; and were he my brother, I ſhould think it my duty to ſay, that public juſtice ought to prevail over every party view. His trial is now pending, and ſhould his crimination and puniſhment be the reſult, I ſhould doubtleſs feel for him as a brother, but juſtice to my injured country would ſeal my lips.

F I N I S.